

University Senate Agendas, 2014-2015

All meetings are from 3:00 - 5:00 pm in the Auditorium of W. T. Young Library
unless otherwise noted.

Monday, September 14, 2015

1. Minutes from May 4, 2015 and Announcements
2. Officer and Other Reports
 - a. Chair
 - b. Vice Chair
 - c. Parliamentarian
 - d. Trustee
3. Degree Recipients
 - a. Honorary Degree Nominee - Interim Graduate School Dean Susan Carvalho
4. Proposed Change to *Senate Rules 1.2.3* ("Meetings") - Addition of Reference to Electronic Voting Records
5. Changing Times of December Commencements - Proposed Change to *Senate Rules 5.2.4.7* ("Final Examinations")
 - a. Commencement and Related Statistics
6. Ombud Michael Healy - Report for 2014-2015
7. International Travel Risk Management - Jason Hope, Manager of International Health, Safety and Security (10 minutes)
8. Other Business (time permitting)

Next Meeting: October 12, 2015

University Senate
May 4, 2015

The University Senate met in regular session at 2 pm on Monday, February 9, 2015 in the Auditorium of W. T. Young Library. The meeting began early due to the large agenda. Below is the record of what transpired. Votes in the first half of the meeting were taken via a show of hands. The remaining votes were taken via electronic voting devices; electronic voting information can be requested from the Office of the Senate Council.

Senate Council Chair Andrew Hippisley called the University Senate (Senate) meeting to order at 2:01 pm. He thanked senators for coming at 2 pm, an hour earlier than the usual Senate start time.

1. Minutes from April 13, 2015 and Announcements

The Chair reported that no corrections were received by 9 am Friday. There being **no objections** during the meeting, the minutes from April 13, 2015 were **approved** as distributed by **unanimous consent**. The Chair said that there were a few announcements.

While the Senate is charged with formulating educational policy, the Chair opined that the real heroes and pioneers at UK are the excellent teachers [listed below] who were recipients of the Provost's Outstanding Teachers awards.

- Matthew J. Beck (EN/Chemical and Materials Engineering)
- Daniel S. Morey (AS/Political Science)
- Mark A. Williams (AG/Horticulture)
- Heather A. Campbell-Speltz (AS/Hispanic Studies)
- Holly S. Divine (PH/Pharmacy Practice and Science)
- Debby L. Keen (EN/Computer Science)
- Sarah E. Kerckmar (CI/Library and Information Science)

Provost Tim Tracy shared with Senate Council (SC) a draft of UK's draft strategic plan and solicited feedback. Town Halls are scheduled for:

- Wednesday May 6, 9 – 11 am, Main Building Lexmark Room;
- Thursday May 7, 1 – 3 pm W. T. Young Library, UK Athletic Association Auditorium; and
- Wednesday May 13, 10 – 12 pm, Biological-Pharmaceutical Building, room 234-B.

The Chair noted that Senator Ernie Bailey is Senate's representative on strategic plan committee.

2. Officer and Other Reports

a. Chair

The SC approved the use of a new form for proposing new graduate certificates, which will go live next academic year. The SC approved nominees for the Student Survey Coordination Committee and the Teaching Effectiveness Committee.

b. Vice Chair

Vice Chair Christ noted that the members of the Outstanding Senator Award committee were Kraemer, Wilson and herself. She noted that the award is annually bestowed upon a faculty member who is or has served the Senate and:

- Has contributed to the Senate by showing active & exemplary service on one or more Senate cmtes during his or her tenure.
- Has made notable substantive contributions in communicating with the Senate and while working with the faculty at large on important issues that impact the faculty as a whole.
- Has given strong voice to faculty issues in Senate meetings, public events, and/or local/regional news media and actively defended the principle of shared governance in University forums.
- Is effective in generating and effecting the Senate's larger agenda and goals.

Christ announced that the winner of the award for 2014-15 was Connie Wood (AS/Statistics). Senators honored Wood with a round of applause and Christ presented Wood with a plaque.

c. Parliamentarian

There was no report from the Parliamentarian.

d. Trustee

There was no report from either faculty trustee.

3. Degree Recipients

a. May 2015 In Memoriam Honorary Degree List

i. College of Arts and Sciences Student Jamie Danielle Carty

The Chair explained that the next few motions pertained to degrees; he requested that only elected faculty senators participate in those votes.

The Chair noted that an In Memoriam degree could be conferred upon a student who did not finish the necessary requirements for their declared degree. Unfortunately, there were two such students who comprised the May 2015 In Memoriam posthumous degree list.

The Chair invited College of Arts and Sciences Associate Dean for Undergraduate Programs Anna Bosch to offer senators some background information on Ms. Jamie Danielle Carty.

Jamie Danielle Carty (b.5/9/91-d.11/20/14) was born in Morgantown, NC, lived in Roanoke for much of her childhood, and moved to Meadowview, VA in 2004, where she graduated from Patrick Henry High School in 2009. Jamie received her associate's degree in science from Virginia Highlands Community College, and was a senior majoring in chemistry at the University of Kentucky at the time of her death.

A soft-spoken young woman, the first impression one had of Jamie was of a sweet nature and quiet poise. Within a large classroom Jamie did not fight for attention, but had a particular alert presence that spoke of her commitment and determination. In personal conversations Jamie would open up and speak more freely, and both her inner tenacity, as well as a sweet sense of humor, would become apparent.

Jamie was smart, modest, and quietly determined to succeed -- in her classes, and in the pursuit of a degree in chemistry. Above all, Jamie was courageous. When life dealt her a difficult hand, her bravery in remaining focused and determined as ever not to lose sight of her goals, and her demonstrable willingness to continue to work towards them, was remarkable.

Jamie deserved the life that she so resolutely was working towards. Her tragic and much too early loss has been felt deeply by those around her whose lives she touched with her charm, humor, and quietly intelligent outlook. She will be greatly missed.

The Chair said that the **motion** from SC recommended that the elected faculty senators approve Jamie Danielle Carty as the recipient of an In Memoriam posthumous degree for May 2015, for submission through the President to the Board of Trustees, as the recommended degree to be conferred by the Board. Because the motion came from SC, no **second** was needed. A **vote** was taken and the motion **passed** with none opposed.

The Chair then invited College of Nursing Dean Janie Heath to say some words about Ms. Taylor Ann Davis.

Taylor Ann Davis (b.6/9/91-d.2/28/14) was born and raised in southern California in a family who love each other voraciously. As a result of that environment, she believed that

life was meant to be experienced in as many ways as possible. She was a dare-devil and free spirit, evidenced in partly by her 19th birthday celebration spent sky diving. The smile never left her face from suit up to landing.

Her adventurous spirit led her to Kentucky to pursue a nursing major. As a nursing student, Taylor made her mark among her classmates and the faculty and staff in the College of Nursing. She noticed the people around her and offered her smile and warm greeting quickly upon meeting. To her classmates, she was the one who could make the duller classes fun because she brought enthusiasm to the tasks at hand. To the faculty she was a good student who worked hard but knew when enough was enough.

Among her friends were the custodian who cleaned the classrooms and the groundskeeper that she saw as she rode her skateboard to work at Starbucks every morning. The customers in Starbucks were met with her warmth and kindness and it seemed like everyone who worked in Kentucky Clinic knew her.

To the patients, Taylor was one who made a difference. One of her last patients was a teen-ager who was facing a long day of uncomfortable treatments that he was trying to postpone or avoid entirely. He had been contentious with most of the staff and was deemed difficult. Taylor was coached by her instructor that he would he would try to negotiate with her and that she could not cave in to his plans. Not only did she not cave in, she was able to get him to agree to everything prescribed without a fight. Her instructor was outside the door and overheard the conversation - firm but kind and mature beyond her experience. Later, he reported to her instructor that Taylor made him feel better because she listened to him.

Taylor loved her family and friends, country music, and riding around in her truck. She was always on the go because there was just so much cool stuff to do. Her wonder-filled life came to an end one night on a rain-slickened curvy country road, while she was doing what she loved - sharing time with a friend. The flood of responses was immediate and profound - both for the volume and the intensity of the loss. This was a young woman who wanted to make a difference in the world - and she did.

The Chair said that the **motion** from SC recommended that the elected faculty senators approve Taylor Ann Davis as the recipient of an In Memoriam posthumous degree for May 2015, for submission through the President to the Board of Trustees, as the recommended degree to be conferred by the Board. Because the motion came from SC, no **second** was needed. A **vote** was taken and the motion **passed** with none opposed.

The Chair said that representatives from both students' families would be at Commencement to accept the In Memoriam honorary degrees.

b. May 2015 Degree List

The Chair explained that one student was added to the May 2015 degree list and one name was corrected. The **motion** from SC was that the elected faculty senators approve the revised May 2015 degree list, for submission through the President to the Board of Trustees as the recommended degrees to be conferred by the Board. Because the motion came from SC, no **second** was needed.

A **vote** was taken and the motion **passed** with none opposed.

c. Early August 2015 Degree List

The Chair said that more than 15 students were added to the early August 2015 degree list. The **motion** from SC was that the elected faculty senators approve the revised early August 2015 degree list, for submission through the President to the Board of Trustees as the recommended degrees to be conferred by the Board. Because the motion came from SC, no **second** was needed.

A **vote** was taken and the motion **passed** with none opposed.

d. Motion to Amend Something Previously Adopted (May 2014 Degree List): Rescind Double Major and Bestow Dual Degree (December 2014 Degree List)

The Chair explained that due to an administrative error in the College of Arts and Sciences, a student graduated with one degree and a double major, even though the student had earned a sufficient number of credit hours to be awarded two separate degrees. The **motion** from SC was that the Senate amend the December 2014 degree list adopted at the December 8, 2014 Senate meeting by rescinding the BA in Political Science with a second major in International Studies for student AC-41, and in its place granting upon AC-41 a BA in Political Science and a BA in International Studies. Because the motion came from SC, no **second** was needed.

A **vote** was taken and the motion **passed** with none opposed.

4. Committee Reports

a. Senate's Academic Programs Committee (SAPC) - Margaret Schroeder, Chair

i. Proposed New BS Neuroscience

Schroeder, chair of the Senate's Academic Programs Committee (SAPC), said the recommendation from the SAPC was that the Senate **move** to approve, for submission to the Board of Trustees, the establishment of a BS Neuroscience, in the Department of Biology within the College of Arts and Sciences. Schroeder explained the proposal. The Chair stated that because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with none opposed.

ii. Proposed New Undergraduate Certificate in Distillation, Wine and Brewing Studies

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new Undergraduate Certificate in Distillation, Wine and Brewing Studies, in the Department of Horticulture in the College of Agriculture, Food and Environment. Schroeder explained the proposal. The Chair stated that because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with none opposed.

iii. Proposed New UK BLUE (3+3) Program: Arts and Sciences BA and College of Law JD [to be discussed pending receipt of SAPC recommendation]

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new 3+3 Program ('BLUE') of a BA History, Political Science or English and JD Law within the College of Arts and Sciences and the College of Law. Because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with one opposed and one abstaining.

iv. Proposed New Graduate Certificate in Eurhythmics [to be discussed pending receipt of SAPC recommendation]

The Chair reported that the SAPC had not rendered a recommendation, so the proposed Graduate Certificate in Eurhythmics was not up for discussion during the day's meeting.

v. Proposed New Graduate Certificate in Biostatistics

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new Graduate Certificate in Biostatistics, in the Department of Biostatistics within the College of Public Health.

Because the motion came from committee, no **second** was needed. There was one question. A **vote** was taken and the motion **passed** with none opposed.

vi. Proposed New Undergraduate Certificate in Directing Forensics

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new Undergraduate Certificate in Directing Forensics, in the School of Library and Information Science within the College of Communication and Information. Because the motion came from committee, no **second** was needed.

Giancarlo asked if post-baccalaureate students could also apply; Wood, chair of the Senate's Rules and Elections Committee (SREC), explained that undergraduate certificates were open to students in a post-baccalaureate status; the SREC also rendered a recent interpretation that students admitted to graduate programs could also participate in undergraduate certificates.

A **vote** was taken and the motion **passed** with none opposed.

The Chair said he wanted to express his deep appreciation to Schroeder and the other members of the SAPC for their hard work this year; the SAPC reviewed 20 new program requests and was one of the busiest Senate committees.

b. Senate's Academic Organization and Structure Committee (SAOSC) - Ernie Bailey, Chair

i. Proposed Name Change of the Center for Interprofessional Health Education, Research and Practice to the Center for Interprofessional Health Education

Bailey, chair of the Senate's Academic Organization and Structure Committee (SAOSC), explained the proposal. He said that the **motion** from the SAOSC was that the Senate endorse the change in name of the Center for Interprofessional Health Education, Research and Practice to the Center for Interprofessional Health Education. Because the motion came from committee, no **second** was needed.

Wood said that the Center was originally approved as a multidisciplinary research center. She asked for confirmation that the proposal would remove the research component from the Center. Bailey explained that the SAOSC was asked to review the proposal to change the name and the SAOSC thought the new name would more accurately reflect the Center's activities. Guest James Norton, Center director, said that the Center would continue to conduct research, but that the Center was better suited to studying the process of educating students for interprofessional health care practice. Therefore, its research would focus more on pedagogy and less on clinical care.

There being no further questions, A **vote** was taken and the motion **passed** with one opposed and two abstaining.

c. Senate's Admissions and Academic Standards Committee (SAASC) - Greg Graf, Chair

i. Proposed Change to College of Law Admissions Policy (Senate Rules 4.2.3.1.A)

Graf was absent so the Chair asked if there was anyone from the SAASC who could present the proposal. Grossman volunteered to do so and explained that the proposal was fairly simple. The College of Law admissions policy in the *Senate Rules* (SR) says that Law will only consider applicants who have already earned a bachelor's degree. The proposed change would allow Law to admit the students who will participate in the "UK BLUE" proposal, which the Senate approved a few minutes earlier. If the Senate does not approve the admissions change, the UK BLUE program will be moot.

The Chair said that the **motion** from the SAASC was that the Senate approve the change in admissions policy for the College of Law (*SR 4.2.3.1A*). Because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with one opposed and one abstaining.

ii. Proposed Change to BS Nursing Admissions Change (Early Admission) (Senate Rules 4.2.2.1)

The Chair said that the **motion** from the SAASC was that the Senate approve the change in admissions policy for BS Nursing (early admissions) SR 4.2.2.1. Because the motion came from committee, no **second** was required.

There were no SAASC members present who were willing to present the proposed changes to the BS Nursing Admissions change. The Chair asked if there was someone from the College of Nursing who could explain the proposal and Guest Leslie Scott (NU) said she could do so; Scott walked senators through the proposed changes and offered background information on the impetus for the changes. One rationale was that due to limited space in the program, it was necessary to raise standards to better match the characteristics of incoming Nursing students.

Prats said that he was on the SAASC and that after an SAOSC meeting with representatives from Nursing, it was his understanding that the proposal would be separated into three proposals, so there would be one proposal for the admission to pre-nursing (high school to freshman year), one proposal for the early admissions policy change, and one proposal for the admission to the BSN major (freshman to sophomore year). Prats said that SAASC members' concerns about spots for out-of-state students and guaranteeing admissions for certain high school students did not seem to have been addressed. Scott said that she was at that meeting and thought that all concerns had been addressed.

There were a few additional questions and comments from senators. Ilahaine expressed concern that the changed admissions policy could have a negative effect on global health nursing if nursing shortages in the United States translate into recruiting nurses from developing countries. Wood **moved** to amend the motion so that the Senate vote on the three admissions changes on page seven of the proposal, specifically: the change regarding admission to pre-nursing (high school to freshman year); the change regarding early admission policy; and the change regarding admission to BSN major (freshman to sophomore year). Grossman **seconded**. A **vote** was taken and the motion to amend **passed** with one opposed and seven abstentions.

A **vote** was then taken on the amended motion that that Senate only approve the proposed admissions changes for the BS Nursing, in *Senate Rules 4.2.2.1*. The motion **passed** with one opposed and five abstentions.

5. President Eli Capilouto - Update on the University

The Chair welcomed President Eli Capilouto, University Senate Chair, to the podium. President Capilouto spoke to senators for approximately 45 minutes and covered a variety of topics:

- The close-knit nature of the UK family;
- UK's positive financial outlook;
- Good enrollment and housing numbers;
- Campus building projects;
- Outstanding staff and faculty employees, as well as a talented leadership team; and
- The Strategic Plan and its five areas of emphasis (undergraduate student success, graduate education, diversity and inclusivity, research and scholarship, and outreach and community engagement)

The President thanked senators and their faculty colleagues for their steadfast support of UK and especially of UK's students. He said he was happy to take questions. There were a couple of questions from senators and one comment congratulating the President on the activity going on around and across campus. Senators thanked the President with a round of applause.

6. Proposed New *Governing Regulation* on Faculty Disciplinary Action (second reading - discussion and vote)

The Chair said that the recommendation from the SC was that the Senate **move** to endorse the proposed new *Governing Regulation (GR)* on Faculty Disciplinary Action. Because the motion came from committee, no **second** was needed.

The Chair stated that the documents in front of the Senate were the result of many hours of hard work. The process had origins in 2013 but the heavy lifting began in earnest in September 2014. The SC composed a special ad hoc committee [ad hoc Committee on Faculty Disciplinary Action] to create a proposal and the SC has recommended the version presented to senators. The Chair noted that he had

requested the Senate review the document and proposed amendments very carefully. He asked that senators do more than identify gaps or weaknesses by also sending in concrete solutions. The Chair said that nine sets of amendments were sent in, including two submitted by senators on behalf of non-senators. The Chair said he would entertain the motions submitted in advance and the body could work through them section by section.

[Underline formatting denotes added text while strikethrough denotes deleted text. Each amendment was moved by the individual senator who proposed the amendment. Line number references are from the senator's PDF in which the senator submitted their amendment(s).]

- Amendment to Section I Introduction, **moved** by Senator Ferrier (lines 16-25 – replaces entire paragraph)

Insert: “When acting within or on behalf of the University of Kentucky, University faculty members, like all University employees, must obey the rules, standards, and procedures that arise under federal and state constitutions, statutes, and regulations, University Governing and Administrative Regulations, the University Senate Rules, and other regulatory jurisdictions (GR II.A). For purposes of this document, we define “misconduct” as a failure to obey the laws and regulations described in the preceding sentence. The University is indifferent to a faculty member’s misconduct in the private domain inasmuch as the misconduct or any resulting criminal or civil disciplinary action does not obstruct the faculty member’s ability to perform his or her duties effectively.”

Brion **seconded** Ferrier’s amendment. Senators discussed the proposed change.

Firey (**moved** to refer the proposed new GR to a committee with the following characteristics: membership comprised of five faculty elected by the Senate; members of the ad hoc committee that originally drafted the document are eligible to serve; the committee is to include one faculty member trained in law, who shall be charged with giving special attention to the protections of the accused and to the clarity of the scope, jurisdiction, and processes described in the document; and will prepare a revised version of this document, which will be presented to the Senate at the November 2015 meeting, having been circulated no fewer than ten days prior. Christianson **seconded**. Parliamentarian Seago confirmed for Wood that a motion to refer to committee took precedence over the motion currently on the floor. There was extensive discussion about Firey’s motion among senators, both in opposition of and in favor of the motion.

Tagavi **called the question**. A **vote** was taken and the motion to call the question **passed** with 43 in favor, 18 opposed and two abstaining. A **vote** was taken on the motion to refer to committee and the motion **failed** with 27 in favor, 36 opposed, and five abstaining. The Chair noted that once a motion to refer to committee is defeated, it cannot be moved again during the same meeting.

Discussion continued on Ferrier’s amendment. Ferrier clarified that he originally submitted an additional sentence to add to the end of the second paragraph in the Introduction. He subsequently realized it created redundancy, so he revised his proposed amendment such that his proposed text would replace the entire second paragraph in the Introduction instead of adding a sentence to the end of the second paragraph. There was additional discussion. A **vote** was taken and the motion **passed** with 54 in favor, five opposed, and four abstaining.

- Amendment to Section II Scope, **moved** by Senator Tagavi (lines 41-42)
Change: This regulation does not apply to faculty performance review or expectations for scholarly activity for purposes of appointment, reappointment, promotion, granting of ~~and~~ tenure, merit evaluation or determination of merit raises.

Brion **seconded**. There was minimal discussion. A **vote** was taken and the motion **passed** with 52 in favor, three opposed, and four abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Lee (lines 79-81)

Insert: If the allegations involve a criminal activity, then the complaint must occur within the Statute of Limitations as defined by state and/or federal law. If allegations do not involve criminal activity, then the complaint must occur within twelve (12) months or 365 days of the alleged behavior.

Brion **seconded**, followed by discussion. Cross **moved** to change “the” (modified “Statute of Limitations”) to “any.” Kennedy **seconded**. A **vote** was taken and the motion to amend **passed** with 55 in favor, 2 opposed, and one abstaining.

Giancarlo **moved** to amend the insertion by removing “or 365 days” and substitute “of the discovery” for “of the alleged behavior” and Porter **seconded**. There was no further discussion so a **vote** was taken and the motion **passed** with 53 in favor, one opposed, and three abstaining.

A **vote** was taken on the motion to add the following sentence to the first paragraph in IV.A:
If the allegations involve a criminal activity, then the complaint must occur within any Statute of Limitations as defined by state and/or federal law. If allegations do not involve criminal activity, then the complaint must occur within twelve (12) months of the discovery of the alleged behavior.

The motion **passed** with 53 in favor, six opposed, and three abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Ferrier (lines 85-89)
Insert: Although allegations may originate from a variety of sources -- individuals, organizations, administrative bodies, and authorities within or outside of the University community -- only allegations that unambiguously fall within and apply to the faculty member’s professional domain shall be advanced to the Investigation phase. All others will be referred to the appropriate criminal or civil authorities (depending on severity), or dismissed altogether.

Brion **seconded**. There was little discussion. A **vote** was taken and the motion **passed** with 53 in favor, five opposed, and three abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Xenos (lines 80)
Insert: There will be no investigation of anonymous allegations.

Tagavi **seconded**. Senators discussed the proposed amendment. A **vote** was taken and the motion **failed** with 12 in favor, 44 opposed, and four abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Lee (lines 89-91)
Insert: Allegations that are clearly related to issues of academic freedom (e.g. complaints about a faculty member’s topic(s) of research or teaching materials) may be dismissed at the Dean’s discretion without need for involvement of General Counsel.

Mazur **seconded**. Grossman **moved** to amend the motion by changing the first phrase to “Allegations that are clearly within the bounds of academic freedom.” Watt **seconded**. A **vote** was taken on the motion to amend and the motion **passed** with 47 in favor, eight opposed, and one abstaining.

After additional discussion, a **vote** was taken on the motion to add the following sentence to IV.A:
Allegations that are clearly within the bounds of academic freedom (e.g. complaints about a faculty member’s topic(s) of research or teaching materials) may be dismissed at the Dean’s discretion without need for involvement of General Counsel.

The motion **failed** with 27 in favor, 31 opposed, and three abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Grossman (lines 86-87)
Insert: If the accused faculty member is a dean, then the Provost shall take the place of the Dean of the accused faculty member’s college in this and all subsequent procedures.

Mazur **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 58 in favor, two opposed, and one abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Tagavi (lines 97-98)
Change: Allegations brought forward and adjudicated under this regulation cannot be reopened without substantive new evidence, as determined by the General Counsel, but no later than 30 days after the new evidence is discovered by university officials.

Mazur **seconded**. Dietz offered a friendly amendment to change the time frame to “one year” to mirror the language about allegations and Tagavi accepted.

A **vote** was taken on the motion to change the last paragraph of IV.A to the following:

Allegations brought forward and adjudicated under this regulation cannot be reopened without substantive new evidence, as determined by the General Counsel, but no later than one year after the new evidence is discovered by university officials.

The motion **passed** with 54 in favor, five opposed, and one abstaining.

- Amendment to Section IV Procedures B University Investigation, **moved** by Senator Tagavi (lines 108-9)
Change: The report will include findings of fact, ~~a conclusion as to whether misconduct occurred, and if misconduct did occur, a nonbinding recommendation regarding disciplinary action (i.e. sanctions).~~

Christ **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 40 in favor, 12 opposed, and five abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 1, **moved** by Senator Lee (lines 120-127)
Change: ...the Dean will provide written notification to the faculty member as soon as feasible and preferably within two (2) business days. The Dean will provide the faculty member with a copy of the report. The faculty member may submit a written response to the Dean and General Counsel within seven (7) business days of confirmed receipt of notification by the Dean. The Dean may extend this response period by an additional fourteen (14) days on oral or written request by the faculty member. If a faculty member is away from the university for approved business travel, annual leave, family leave or sick leave, or is unavailable to respond for any other university-approved absence, these time-periods for response are extended by the duration of travel or leave.

Blonder **seconded**. There was brief discussion. Grossman **moved** to amend the motion by substituting “, or longer if circumstances so indicate” for the proposed new sentence. Porter **seconded**. A **vote** was taken and the motion **passed** with 39 in favor, 16 opposed, and four abstaining.

A vote was taken on following revised amendment:

...the Dean will provide written notification to the faculty member as soon as feasible and preferably within two (2) business days. The Dean will provide the faculty member with a copy of the report. The faculty member may submit a written response to the Dean and General Counsel within seven (7) business days of confirmed receipt of notification by the Dean. The Dean may extend this response period by an additional fourteen (14) days on oral or written request by the faculty member, or longer if circumstances so indicate.

The motion **passed** with 47 in favor, six opposed, and three abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 1, **moved** by Senator Bailey on behalf of a non-senator (lines 115-116)
Change: The faculty member may submit a written response to the Dean and General Counsel within ~~seven (7)~~ fourteen (14) [business] days of [confirmed receipt of] notification by the Dean. The Dean

~~may shall~~ extend this response period by an additional fourteen (14) days on oral or written request by the faculty member.

Porter **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 53 in favor, three opposed, and one abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 2, **moved** by Senator Lee (lines 135-138)

Insert: If a faculty member is away from the university for approved business travel, annual leave, family leave or sick leave, or is unavailable to respond for any other university-approved absence, these time-periods for response are extended by the duration of travel or leave.

Brion **seconded**. Grossman **offered a substitute motion** to ignore the proposed text from Lee and instead insert the following phrase at the end of the first sentence in IV.C.2:

The Dean will schedule a meeting with the faculty member and the faculty member's chair, which will be held within twenty-one (21) days ~~of~~after the Dean's notification to the faculty member, or longer, if the dean believes that circumstances so warrant.

A **vote** was taken and the motion **failed** with 24 in favor, 26 opposed, and two abstaining.

Discussion returned to the original amendment from Lee. There was no further discussion so a **vote** was taken and the motion **passed** with 35 in favor, 16 opposed, and two abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Tagavi (lines 134-135)

Change: Sanctions will not exceed a level that is reasonably commensurate with the seriousness of the misconduct and neither should they be of a nature or duration as to prevent the faculty member from performing duties expected of or assigned to them.

Senators discussed the proposed change. Tagavi accepted the suggestion to reword the phrase as a friendly amendment, so the proposed amendment changed to become the following:

Sanctions will not exceed a level that is reasonably commensurate with the seriousness of the misconduct. If any sanction prevents the faculty member from performing normally assigned duties, their duties shall be changed to reflect that.

A **vote** was taken and the motion **passed** with 38 in favor, 12 opposed, and two abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Grossman (lines 141-143)

Insert: If indicated by the circumstances, requirement to undergo assessment for behavioral or mental disorders by an appropriate professional, and, if the professional determines that treatment is indicated, requirement to undergo such treatment.

McCormick **seconded**. There was lengthy discussion about this proposed amendment. Kennedy proposed omitting the language about treatment, while leaving the language about assessment. Grossman accepted this as a friendly amendment. Therefore, the amendment being discussed was as follows:

If indicated by the circumstances, requirement to undergo assessment for behavioral or mental disorders by an appropriate professional.

EI-Mallakh explained that with a few notable exceptions (e.g. harm to self or harm to others), state law prohibits any requirement that an individual must receive treatment. There was additional discussion about the intent and actual wording of the amended motion. A **vote** was taken and the motion **failed** with 18 in favor and 33 opposed.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Tagavi (lines 146-147)

Change: Reduction in salary for a specified period of time, if greater than 10%, the sanction be approved by the board of trustees.

Brion **seconded**. After brief discussion, Tagavi accepted a friendly amendment from Blonder to remove the entire phrase. After additional discussion, a **vote** was taken and the motion to remove the whole phrase **passed** with 41 in favor, 10 opposed, and one abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Tagavi (lines 149-150)

Change: Suspension with ~~or without~~ pay for a specified period of time.

Mazur **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 32 in favor and 17 opposed.

- Amendment to Section IV Procedures C Notification and Mediation 4, **moved** by Senator Tagavi (lines 162-164)

Change: The General Counsel must approve any proposed agreement before its implementation however the General Counsel's disapproval shall be explained in writing and be based on misapplication of law or rules and not based on an opinion on lack of severity of the sanctions.

Brion **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 44 in favor, four opposed, and one abstaining.

- Amendment to Section IV Procedures E Faculty Inquiry Panel 1, **moved** by Senator Tagavi (lines 193-195)

Change: The Faculty Inquiry Panel is a ~~three~~ five-person panel comprised of ~~(1) one~~ ⁽³⁾ tenured faculty member selected at random by a uniform random number generator from the Faculty Disciplinary Hearing Panel Pool; the Vice-President for Human Resources or a designee; and an associate provost selected by the Provost.

McCormick **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 43 in favor and six opposed.

- Amendment to Section IV Procedures E Faculty Inquiry Panel 2, moved by Senator Tagavi (lines 214-215)

Change: The Faculty Inquiry Panel may consider new findings of fact that were not considered in the original investigation and that are provided by the General Counsel or the faculty member.

Senators discussed the proposed amendment. Dietz suggested the sentence end with "original investigation" and Tagavi accepted that as a friendly amendment.

A **vote** was taken on the motion to edit the sentence as follows:

The Faculty Inquiry Panel may consider new findings of fact that were not considered in the original investigation.

The motion **passed** with 41 in favor, six opposed, and two abstaining.

- Amendment to Section IV Procedures E Faculty Inquiry Panel 2, **moved** by Senator Tagavi (lines 235-236)

Change: If the Faculty Inquiry Panel, ~~by a majority vote,~~ finds that there is no probable cause to believe misconduct has occurred, the case is dismissed.

Brion **seconded**. A question arose regarding quorum and the Chair noted that quorum for the Senate was 45 members. There being no discussion about the proposed amendment, a **vote** was taken and the motion **passed** with 39 in favor, six opposed, and two abstaining.

- Amendment to Section IV Procedures F Faculty Hearing Panel 1, **moved** by Senator Tagavi (line 243)

Change: The Faculty Hearing Panel is comprised of five (5) faculty members, who are selected at random by the Senate Council Chair and Vice Chair and/or SREC Chair from the Faculty Disciplinary Panel Pool using a uniform random number generator.

Mazur **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 40 in favor and five opposed.

- Amendment to Section IV Procedures F Faculty Hearing Panel 5, **moved** by Senator Tagavi (lines 286-287)

Change: The Faculty Hearing Panel may admit any evidence of more probative than prejudicial value in determining the issues involved. However, all exculpatory evidence discovered by university officials must be included in the report.

Bondada **seconded**. There was brief discussion. Tagavi accepted as a friendly amendment the suggestion to change the two sentences as follows:

The Faculty Hearing Panel may admit any evidence. However, all exculpatory evidence discovered by university officials must be included in the report.

A **vote** was taken on the amended motion and the motion **failed** with 19 in favor, 25 opposed, and three abstaining.

- Amendment to Section IV Procedures F Faculty Hearing Panel 9, **moved** by Senator Debski (lines 293-294)

Change: If the Faculty Hearing Panel finds that the accused faculty member is not guilty of misconduct the case is closed ~~unless the dean submits a written appeal of the innocent decision based on substantive errors in the faculty hearing panel process or errors in interpretation of fact or law.~~

Debski asked that the Senate first consider the proposed amendments for this section submitted by Tagavi on behalf of a non-senator. Debski added that if Tagavi's amendments on behalf of a non-senator were approved, then she would withdraw her suggested amendments.

- Amendment to Section IV Procedures F Faculty Hearing Panel 9, **moved** by Senator Tagavi on behalf of a non-senator (lines 293-295)

Change: ...the case is closed. The Dean may request the case be reopened when conditions of G. 1.b are met. ~~[unless the dean submits a written appeal of the innocent decision based on substantive errors in the faculty hearing panel process or errors in interpretation of fact or law.]~~

Dietz **seconded**. There were a number of requests that the body first review the content of the amendment pertaining to the new "G.1.b" section prior to voting to accept language referring to "G.1.b."

- Amendment to Section IV Procedures G Appeals 1, **moved** by Senator Tagavi on behalf of a non-senator (lines 311-323)

Change: ~~1. If the faculty member or Dean does not file a written appeal within seven (7) days of receipt of the Faculty Hearing Panel's written decision, the decision of the Faculty Hearing Panel as to guilt or innocence shall be final. The complainant, if known, shall be informed by General Counsel of the decision by General Counsel, to the extent required by law.~~

1.a. Finding of Guilt. If the Panel finds the accused faculty member guilty, the accused faculty member may appeal within seven (7) days of receipt of the Hearing Panel's decision determining

guilt. If the faculty member does not file an appeal, the decision of the Faculty Hearing Panel as to guilt or innocence will be final.

1b. Finding of Innocence. In accordance with Section IV.A above, allegations brought forward and adjudicated to the finding of innocence a Dean can cause the case be reopened for new adjudication, when there is substantive new evidence as determined by the General Counsel.

Mazur **seconded**. After discussion by senators, a **vote** was taken and the motion **passed** with 37 in favor, eight opposed, and one abstaining.

Senators returned to the amendment that referred to G.1.b. [~~“ ...the case is closed. The Dean may request the case be reopened when conditions of G. 1.b are met. [unless the dean submits a written appeal of the innocent decision based on substantive errors in the faculty hearing panel process or errors in interpretation of fact or law.]”~~].

There was no discussion. A **vote** was taken and the motion **passed** with 39 in favor and seven opposed.

Debski stated that she withdrew each of her amendments.

- Amendment to Section IV Procedures G Appeals 1, **moved** by Senator Porter on behalf of a non-senator (line 310)
Change: If the faculty member or Dean does not file a written appeal within ~~seven (7)~~ fourteen (14) days of receipt of the Faculty Hearing Panel's written decision

Debski **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 43 in favor, two opposed, and one abstaining.

- Amendment to Section IV Procedures G Appeals 1, **moved** and **withdrawn** by Senator Debski (lines 310-312)
Change: If the faculty member ~~or dean~~ does not file a written appeal within seven (7) days of receipt of the Faculty Hearing Panel's written decision, the decision of the Faculty Hearing Panel as to ~~guilt or innocence~~ shall be final.
- Amendment to Section IV Procedures G Appeals 2, **moved** by Senator Tagavi (lines 328-332)
Change: The Faculty Disciplinary Appeals Panel shall hear all appeals. The panel consists of an the Associate Provost for Faculty Advancement, the Chair of the Senate Council an elected Senate Council member chosen by Senate Council, and the Academic Ombud. In the event the Associate Provost is unable to serve, the ~~President~~ Provost shall appoint a replacement. In the event that the Academic Ombud or the ~~Chair~~ member of the Senate Council is unable to serve, the Senate Council shall appoint replacement(s).

Ferrier **seconded**. After brief discussion, Tagavi accepted as a friendly amendment the suggestion that the language refer to any associate provost, not a specific associate provost position.

There being no further discussion, a **vote** was taken on the proposed change, as follows:
The Faculty Disciplinary Appeals Panel shall hear all appeals. The panel consists of an the Associate Provost, the Chair of the Senate Council an elected Senate Council member chosen by Senate Council, and the Academic Ombud. In the event the Associate Provost is unable to serve, the ~~President~~ Provost shall appoint a replacement. In the event that the Academic Ombud or the ~~Chair~~ member of the Senate Council is unable to serve, the Senate Council shall appoint replacement(s).

The motion **passed** with 43 in favor, one opposed, and one abstaining.

- Amendment to Section IV Procedures G Appeals 3, **moved** and **withdrawn** by Senator Debski (line 325)

Change: ~~The faculty member and the dean will be provided with copies of the written appeal and given an opportunity to respond in writing.~~

- Amendment to Section IV Procedures G Appeals 3, **moved** by Senator Tagavi on behalf of a non-senator (lines 335-336)

~~Delete: The faculty member and the dean will be provided with copies of the written appeal and given an opportunity to respond in writing.~~

Debski **seconded**. There was very brief discussion. A **vote** was taken and the motion **failed** with two in favor, 42 opposed, and one abstaining.

- Amendment to Section IV Procedures G Appeals 4, **moved** by Senator Tagavi (lines 343)
Change: The deliberations of the Faculty Disciplinary Appeals Panel are limited to review of the specific issues raised by the accused faculty member appellant (IV.F.8, F9).

Grossman **seconded**. There was no discussion so a **vote** was taken and the motion **passed** with 41 in favor and five opposed.

- Amendment to Section IV Procedures G Appeals 5, **moved** by Senator Tagavi on behalf of a non-senator (lines 344-347)

Change: When ~~a party~~ the accused appeals to the Faculty Disciplinary Appeals Panel, the ~~party accused~~ accused must submit a written brief detailing the basis for the appeal and providing supporting evidence attesting to the validity of the appeal. The party that prevailed at the Faculty Hearing Panel ~~dean~~ will be provided with a copy of this brief and may submit a written response brief within seven (7) days.

Ilahaine **seconded**. There was brief discussion about whether or not the edit was clerical in nature. A **vote** was taken and the motion **passed** with 24 in favor, 14 opposed, and eight abstaining.

- Amendment to Section VI Admin Leave with Pay 1, **moved** by Senator Grossman (lines 393-395)
Insert: The restrictions that the Provost imposes on a faculty member on administrative leave with pay shall be no greater than necessary for amelioration of the risks perceived by the Provost.

Ilahaine **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 40 in favor, four opposed, and one abstaining.

The Chair said that the last amendment was a recommendation from the SC that the Senate **move** to approve an omnibus acceptance of various clerical edits. Because the motion came from the SC, no **second** was required. There was no discussion so a **vote** was taken and the motion **passed** with 42 in favor and one opposed.

The Chair said that the last item of business was the endorsement of the entirety of the new *Governing Regulation* on faculty disciplinary action, as amended. The **motion** to endorse came from SC, so no **second** was required. Lauersdorf asked that the minutes reflect his concern that expediency of process does not necessarily make for a good process. He said he was not sure of the internal integrity of the document given the extent of changes made during the day's meeting. There was additional discussion about ensuring that amendments did not conflict.

Brion **moved to amend** the motion so the Senate would endorse the proposed new *Governing Regulation* on faculty disciplinary action, as amended as long as the SC reviews the amendments for consistency. Jasper **seconded**. After additional discussion, a **vote** was taken and the motion **failed** with 19 in favor, 25 opposed, and two abstaining.

A **vote** was taken on the motion that the Senate endorse the proposed new *Governing Regulation* on faculty disciplinary action and the motion **passed** with 41 in favor, six opposed, and one abstaining.

The time was 5:57 pm. The Senate's collective desire for adjournment was evident via the mass exodus from the room.

Respectfully submitted by Katherine McCormick,
University Senate Secretary

Prepared by Sheila Brothers on Thursday, May 28, 2015.

Invited guests present: Heather Bush, Anna Bosch, Timothy Bill, Mary Davis, Marcy Deaton, Seth DeBolt, James Norton, and Mark Prendergast.

Absences: Adams, I., Anderson, Bada, Bailey, P., Baker, Bird-Pollan, Birdwhistell, M., Birdwhistell, T., Blackwell, Brennen, Browning, Butler*, Cassis, Clark, Cox, de Beer, Dunn, Fox, Grace, Graf, Hallam, Ingram, Jackson, J., Jackson, N., Jennes, Karan, Knutson*, Kornbluh, Lee, C., Lephart, McManus, Nash, Oberst, O'Hair, MJ*, Osorio, Pienkowski, Prather, Profitt, Richey, Rompf*, Royle, Royster, Sanderson, Schoenberg, Sekulic, Shen, Smyth*, Stratton, Symeonidis, Truszczynski, Turner, Vosevich, Walz, Wilson, M.*, and Wright.

* Denotes an explained absence.

University Senate
September 14, 2015

Proposed Change to *SR 1.2.3* ("Meetings") to Include Reference to Electronic Votes

1.2.3 MEETINGS

The Senate shall hold regular meetings on the second Monday of each month during the academic year except that when the second Monday is during a period when classes are not in session, the Senate Council may decide to eliminate the regular meeting for that month or to call it upon another date. Special meetings shall be held after adequate notice by the Secretary of the Senate, on the call of the President, of the Senate Council or on the written request of ten (10) elected members. The Senate may adjourn any regular or special meeting to any date that it may set for such adjournment.

Any University employee or student may attend a meeting of the Senate as a visitor and may request the privilege of the floor (GR IV.B).

The meetings of the Senate and its councils and committees shall be open to the public, except that at any meeting the Senate or a council or committee may declare itself in executive session, and thereby exclude all visitors by a majority vote of the members present, subject to the limitations and procedures of the Kentucky Open Meetings Law (KRS 61.800-KRS 61.850).

The Senate Council shall prepare agendas for regular Senate meetings. Any student, faculty member or administrator may present a written recommendation for Senate action to the Senate Council. The Senate Council may refer it to committee or act on it itself. If referred to committee, the committee shall approve, disapprove, or modify the recommendation. The original recommendation with committee action shall be forwarded to the Senate Council. The recommendation shall be placed on the Senate agenda unless both the committee and the Senate Council determine otherwise. If the Senate Council acts on the recommendation without sending it to committee, it can decide not to place the matter on the agenda. In this situation, the recommendation may be introduced on the Senate floor if its initiator obtains either the signature of ten (10) Senators, or a petition approved by a corresponding percentage of the members of the University Faculty in the case of matters for which the elected University Faculty Senators are responsible. The agenda plus all recommendations for Senate action shall be posted on the University Senate's Web site and circulated by e-mail to all members of the University Senate and to administrative offices that are concerned with academic affairs at least six (6) days prior to regular Senate meetings. For special meetings, as much notice as practical shall be given. (See Section I, 1.3.1.) [US: 4/12/2004]

When a document embodying a major policy decision is to be considered by the University Senate, the Senate Council may, whenever feasible, first place the document on the agenda of a meeting "for discussion only" and on the agenda of a subsequent meeting of the Senate "for action." When a document is on the floor of the Senate for discussion only, amendments may be proposed and discussed but not passed. Discussion may be terminated by consent of the body or by postponing temporarily. In addition, amendments may be submitted in writing to the Senate Council by any two members of the Senate for distribution with the agenda of the meeting at which action is to be taken.

Whenever possible, amendments or motions relative to agenda items on the floor of the Senate for action should be presented in writing to the Senate Council Chair (or other presiding officer, if different) in writing by the person(s) proposing said amendments or motions prior to the opening of the Senate meeting.

No motion may be laid on the table indefinitely.

Except where otherwise provided in these Rules, *Robert's Rules of Order: Newly Revised* shall prevail for the operation of the Senate, the Senate Council, and the Senate committees or similar Senate bodies.

Copies of approved minutes of the University Senate shall be made available on a campus-wide basis electronically not later than the end of the next meeting of the Senate. However, the official minutes of record shall be maintained on the Senate's website as a paper document. A copy of the documentation supporting each action item voted upon shall be appended to and thereby maintained with the official copy of the minutes of record. Upon request, written copies of the minutes will be made available by the Secretary of the Senate. [US: 11/8/93; KRS 61.835] Detailed records of electronic votes taken at meetings of the University Senate are available upon request by contacting the Office of the Senate Council.

5.2.4 ACADEMIC STANDARDS

5.2.4.1 Attendance and Completion of Assignments

For each course in which the student is enrolled, the student shall be expected to carry out all required work including laboratories and studios, and to take all examinations at the class period designated by the instructor.

Each instructor shall determine his/her policy regarding completion of assigned work, attendance in class, absences at announced or unannounced examinations, and excused absences in excess of one-fifth of class contact hours (see Rule 5.2.4.2 below). This policy shall be presented in writing to each class at its first or second meeting. Students' failure to comply with the announced policy may result in appropriate reductions in grade as determined by the Instructor of Record. [US: 11/11/85; US: 2/9/87]

- * It is compliant with the Senate Rules for an Instructor of Record to have a policy (stated in the syllabus) not to return exams (and other graded material) to the possession of students, as long as the Instructor of Record provides reasonable access of students to their exams (and other graded material) during at least one regularly scheduled class meeting. [SREC: 1/23/2012]

5.2.4.2 Excused Absences [US: 11/11/85; 2/9/87; 4/12/2004]

A student shall not be penalized for an excused absence. The following are defined as excused absences:

- A.** Significant illness of the student or serious illness of a member of the student's household (permanent or campus) or immediate family. The Instructor of Record shall have the right to request appropriate verification.
- B.** The death of a member of the student's household (permanent or campus) or immediate family. The Instructor of Record shall have the right to request appropriate verification. For the purpose of this rule, immediately family is defined as spouse or child or parent (guardian) or sibling (all of the previous include steps, halves and in-laws of the same relationship); and grandchild or grandparent
- C.** Trips for members of student organizations sponsored by an educational unit, trips for University classes, and trips for participation in intercollegiate athletic events, including club sports registered with the university as well as varsity sports. When feasible, the student must notify the Instructor of Record **prior to** the occurrence of such absences, but in no case shall such notification occur more than one week after the absence. Instructors of Record may request formal notification from appropriate university personnel to document the student's participation in such trips.
- D.** Major Religious Holidays. Students are responsible for notifying the Instructor of Record **in writing** of anticipated absences due to their observance of such holidays. Faculty shall give students the opportunity to make up work (typically, exams or assignments) when students notify them that religious observances prevent the students from doing their work at its scheduled time. Faculty should indicate in their syllabus how much advance notice they require from a student requesting an accommodation. Faculty shall use their judgment as to whether

the observance in question is important enough to warrant an accommodation, although the presumption should be in favor of a student's request. The Offices of Institutional Diversity, the Dean of Students, and the Ombud are available for consultation. [US: 2/14/11]

E. Any other circumstances which the Instructor of Record finds reasonable cause for absence. [US: 4/23/90]

Students missing any graded work due to an excused absence bear the responsibility of informing the Instructor of Record about their excused absence within one week following the period of the excused absence (except where prior notification is required), and of making up the missed work. The Instructor of Record shall give the student an opportunity to make up the work and/or the exams missed due to an excused absence, and shall do so, if feasible, during the semester in which the absence occurred. [US: 11/10/85 and SREC: 11/20/87]

If attendance is required by the class policies elaborated in the syllabus or serves as a criterion for a grade in a course, and if a student has excused absences in excess of one-fifth of the class contact hours for that course, a student shall have the right to petition for a "W", and the Instructor of Record may require the student to petition for a "W" or take an "I" in the course. [US: 2/9/87; SREC: 11/20/87]

- * If a student has an excused absence on a day when a quiz is given, the instructor may not deny permission for a makeup exam and simply calculate the student's grade on the basis of the remaining requirements. [SREC: 8/20/87]
- * With respect to nonattendance for reason of an employment-related schedule conflict, the student who is a UK employee has exactly the same standing as a student who is working for some other employer. [SREC: 9/17/2012]

5.2.4.3 Acceptable Standards in Written English in All Courses

A student's writing in all courses is expected to meet acceptable standards in written English.

Any instructor who finds that the written work of any student does not meet college-level standards may require the work to be revised to reflect competency and resubmitted. Instructors of Record may include the quality of writing as a factor in the student's grade.

5.2.4.4 Unsatisfactory Scholarship and Attendance

A student who is doing unsatisfactory work or who is irregular in attendance (when required--see Section 5.2.4.1) in any course shall be reported to the dean of the college in which the student is registered. The student shall be under the special supervision of his/her dean. If, after a suitable length of time, it becomes apparent that no improvement is being made, the dean may drop the student from the course, reporting the action to the Registrar and to the Instructor of Record. (See Section 4.3.2 and Section 5.2.4.1)

5.2.4.5 Participation in Intercollegiate Athletics

The University accepts the eligibility rules for intercollegiate athletics as set up by the Southeastern Conference, National Collegiate Athletics Association, Region II, the Association of Intercollegiate Athletics for Women, and the Kentucky Women's Intercollegiate Conference. [US: 4/4/76]

5.2.4.6 Dead Week [US: 4/10/06; 4/13/2009]

- A.** The last week of instruction of a regular semester is termed "Dead Week." In the rest of these Rules, this term also refers to the last three days of instruction of a summer session, a summer term and a winter intersession.[US: 4/10/2006]
- B.** In cases of "Take Home" final examinations, students shall not be required to return the completed examination before the regularly scheduled examination period for that course.
- C.** No written examinations, including final examinations, may be scheduled during the Dead Week.
- D.** No quizzes may be given during Dead Week.
- E.** No project/lab practicals/paper/presentation deadlines or oral/listening examinations may be scheduled to fall during the Dead Week unless it was scheduled in the syllabus AND the course has no final examination (or assignment that acts as a final examination) scheduled during finals week. A course with a lab component may schedule the lab practical of the course during Dead Week if the lab portion does not also require a Final Examination during finals week.
- F.** Make-up exams and quizzes are allowed during Dead Week; these are exempt from the restrictions stated in C, D and E.
- G.** Class participation and attendance grades are permitted during Dead Week.
 - * The current wording of this rule does not prohibit continuing into Dead Week regularly assigned graded homework that was announced in the class syllabus. [SREC: 9/2009]
 - * The Dead Week rule applies to ALL courses taught in the fall semester, spring semester, eight-week summer session, and four-week summer term, including those taught in a format that has been compressed into less than one semester, term, or session. The rule does not apply to courses in professional programs in colleges that have University Senate approval to follow a nonstandard calendar, as authorized in Senate Rule 2.1.1(l). [SREC: 3/15/2012]

5.2.4.7 Final Examinations

If an instructor is administering a final examination, and he or she is requiring students to take the exam in a particular place at a particular time, then he or she must administer the exam during the examination period scheduled by the Registrar [US: 10/10/11]

- A.** The Registrar shall schedule two-hour periods for final examinations for courses offered during the fall and spring semesters. The faculties of colleges that have Senate approval for their own special calendars may instruct the Registrar to schedule final examination periods of a

different length. The Registrar shall schedule spring and fall semester final examination periods during the last five (5) days of the semester; that five-day period shall be preceded by a study day or weekend on which no classes or examinations for weekday classes will be scheduled. Final examinations for weekend classes will be administered the weekend before this five-day period and need not be preceded by a study day. [US: 4/9/2001; 10/10/11]

B. The Registrar shall schedule final examinations for courses offered during the four-week summer term, the eight-week summer session, and winter intersession for the time of the last scheduled class period. [US: 10/11/11]

C. An instructor may allow students less than the full period scheduled by the Registrar to complete the final examination, but he or she must inform the students at least two weeks before the start of the examination how much time they will have to complete the examination (one week in advance for winter intersession, four-week summer term and eight-week summer session.) [US: 10/10/11]

In cases of take-home final examinations, students shall not be required to return the completed examination before the end of the regularly scheduled examination period. [US: 4/28/86; 10/10/11]

Final examinations may be given at times other than the regularly scheduled time in the following instances:

Faculty

In the case of conflicts or undue hardship for an individual instructor, a final examination may be rescheduled at another time during the final examination period upon the recommendation of the chair of the department and with the concurrence of the dean of the college. [US: 4/28/86]

Students

Any student with more than two final examinations scheduled on any one date shall be entitled to have the examination for the class with the highest catalog number rescheduled at another time during the final examination period. In case this highest number is shared by more than one course, the one whose departmental prefix is first alphabetically will be rescheduled. The option to reschedule must be exercised in writing to the appropriate Instructor of Record or his/her designee two weeks prior to the last class meeting. [US: 4/28/86]

If a conflict is created by rescheduling of an examination, the student shall be entitled to take the rescheduled examination at another time during the final examination period. [US: 4/28/86]

Any student whose name is on the approved degree list who has a conflict between a final exam scheduled by the Registrar and a University-sanctioned commencement ceremony may reschedule their final examination for another time agreed to by the Instructor of Record during the final examination period. The notice to reschedule must be given to the class instructor no later than two weeks prior to the scheduled examination.

In the case of undue hardship for an individual student, a final examination may be rescheduled by the instructor.

- * The SREC interprets that the 'more than two final exams in one day/reschedule' provisions of SR 5.2.4.7 apply only to courses for which the Registrar has published a schedule for the final examination, including distance learning courses for which the Registrar has published a final exam schedule. The provisions do not apply, for example, when students have three final exams in one day at the eight-week point of a regular semester. [SREC: 3/15/2012]

5.2.4.8 Final Examinations Scheduled for the Same Time

A student for whom two examinations have been scheduled for the same time shall be entitled to have the examination for the class with the higher catalog number rescheduled. In case both classes have the same number, the one whose departmental prefix is alphabetically first will be rescheduled. This rescheduling must be requested of the appropriate instructor in writing at least two weeks prior to the scheduled examination. [US: 4/14/80; US: 10/11/93]

5.2.4.8.1 Common Examinations [US: 10/11/93]

If a student has a course scheduled at the same time as a common exam and the student has given written notice of the conflict to the instructor at least two weeks prior to the common exam, the student shall be entitled to an excused absence from the conflicting common examination. [US: 4/9/90]

Departments electing to give exams, other than final exams, in a course to all sections of the course at a common time shall be required to do the following:

- A.** List the days of the month, week and the time at which the exam will be given in the official Schedule of Classes. [US: 1/12/90]
- B.** Provide an opportunity for students missing such exams with an excused absence to make up the missed work.

Departments must adopt at least one of the following policies for administering common examinations or some alternate arrangement to be approved by the dean of the college in which the course is given:

- A.** Provide a prime time course section that does not participate in the common examinations.
- B.** Give two examinations at widely disparate times. [US: 9/13/82; 2/12/90; 2/14/94]

A student enrolled in a course where a common exam is scheduled may also enroll in a class scheduled in the time slot of the common exam.

- * Any department giving a common examination must give a make-up exam or develop some other arrangement for students with excused absences to gain credit as if they had taken the common exam; a department may not apply a "drop the lowest score" policy to common exams missed with an excused absence. [SREC: 11/24/82; upheld by US: 2/13/83]

The Faculty of a college may adopt "alternative examination" rules that differ from the above and Senate approval for such is not required so long as the college rules are more lenient than the Senate's.

In instances where a common exam is missed due to an excused absence and the department has adopted a policy of "doubling up" to compensate, students so missing the exam must be allowed the same access to the missed common exam and the key to the answers as students who took the common exam have. ("Doubling up" is the practice of considering the score of the missed common exam to be the score on the portion of a comprehensive final exam that covers the same material.)

5.2.4.9 Policies Regarding Other Examinations

Policies regarding examinations other than the scheduling of final examinations in university courses will be set by the instructor of the course and/or by the department offering the course. These policies will be communicated in writing to students during the first or second meeting of the class each semester.

Exams other than final exams must be given during a regular scheduled class meeting time unless approved by the department chair or a common exam has been scheduled for all sections of the course. [US: 9/13/82]

5.2.4.10 Language Limitations for Foreign Students

Students whose native language is other than English and who have had formal instruction in schools of their own country shall not be permitted to take elementary, intermediate or conversation courses or examinations for credit in that language.

Brothers, Sheila C

From: Timoney, David M
Sent: Tuesday, August 18, 2015 7:56 AM
To: Witt, Don; Cooper, Sean R; Herbst, John; Hippisley, Andrew R; Brothers, Sheila C; drew26elisabeth@aol.com; Ellis, Janie
Subject: Senate Rule 5.2.4 Proposal
Attachments: Senate Rule 5.2.4 Changes.docx

With the December commencement becoming increasingly popular, there is a suggestion to move the location of it from Memorial Coliseum to Rupp Arena. With this possible move, the Graduate and Professional ceremony would be at 10 AM and the Undergraduate ceremony would be at 3 PM. Here are the participation numbers for the December commencement over the past 5 years:

	2010	2011	2012	2013	2014
Undergraduate	511	647	726	654	846
Graduate	116	145	147	112	110
Masters		83	76	61	63

As a result of the proposed new times and location of the ceremonies, there is a small possibility that time conflicts may occur for graduating students with previously scheduled final exams. However, for the past few years, the Registrar's Office has purposely scheduled "non-standard" exam times on the Friday afternoon of the fall semester final exam week:

Semester	Timeslot	Exam	# of Sections	% of Overall Offerings	Enrollment
Fall 2013	1:00 P.M.	Classes which meet first on Tuesday or Thursday at 4:00 P.M. OR 4:30 P.M.	88	1.58%	1,320
Fall 2013	3:30 PM	Classes which meet first on Monday, Wednesday or Friday at 5:00 P.M.	98	1.76%	1,493
Fall 2014	1:00 P.M.	Classes which meet first on Tuesday or Thursday at 5:00 P.M.	36	0.63%	517
Fall 2014	3:30 PM	Classes which meet first on Monday, Wednesday or Friday at 5:00 P.M.	33	0.58%	813
Fall 2015	1:00 P.M.	Classes which meet first on Monday, Wednesday or Friday at 4:00 P.M.	170	2.98%	2,198
Fall 2015	3:30 PM	Classes which meet first on Monday, Wednesday or Friday at 5:00 P.M.	36	0.63%	597

This has allowed the majority students and faculty to leave campus a few hours early. Consequently, these "non-standard" exam times also greatly reduce the possibility of final exam conflicts for graduating students. Here's the level impact for the 1 PM and 3:30 PM Friday final exam timeslots for Fall 2015:

Semester	Timeslot	Exam	# of Sections	100 -200 Level	300 - 400 Level	500 and Higher
Fall 2015	1:00 P.M.	Classes which meet first on Monday, Wednesday or Friday at 4:00 P.M.	169	77	32	60

Fall 2015	3:30 PM	Classes which meet first on Monday, Wednesday or Friday at 5:00 P.M.	45	10	12	23
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With that being said, there's still nothing in the Senate rules that states a student would be able to reschedule their final exam due to a conflict with a commencement ceremony. The only two listed reasons as to why a student may reschedule a final exam during final exam week are: 1) if a student has more than two final exams on one date (5.2.4.7) and 2) if a student has two final exams scheduled for the same time (5.2.4.8). Attached, please find an amendment to Senate rule 5.2.4.7 which states, "Any student that has a conflict with a University sanctioned commencement ceremony may reschedule their examination with consultation with their class instructor, for another time during the final examination period". This amendment would eliminate the possibility of a student having an exam conflict with a commencement ceremony. Please review, and let me know if you have any questions.

Thank you,

Sean Cooper
Senior Associate Registrar

John Herbst
Executive Director, UK Student Center

David Timoney
Associate Registrar

Don Witt
Associate Provost

Academic Ombud's Report to the Senate

Thank you Professor Hippisley, Senators and guests.

It is my pleasure to present the Academic Ombud Report for the 2014 – 2015 academic year. I would like to first thank Laura Anshel for all of her work in the Ombud's Office and for the statistical report, which will be included in the senate minutes for your future reference.

This annual report provides four categories of information that summarize the work performed by the Office of the Academic Ombud during the year. The first category presents the total number of matters handled by the Office during the year. Within this category, we have distinguished between "Cases" and "Questions or Referrals." This latter category includes a wide variety of minor matters that take less than one hour to resolve. Virtually all of the matters in this latter group are handled by Ms. Anshel. We calculated that there were 1091 such minor matters during the past academic year. This number reflects a 25% increase above last year's number. We believe that part of this increase is a consequence of better records of such contacts. The number of cases that took more than one hour and typically involved work by both the Ombud and Ms. Anshel for the 2014-15 academic year was 370. This number was about 25% less than the previous year, with much of the change attributable to better record keeping.

This number, 370, includes all appeals that were considered by the Ombud prior to being adjudicated by the University Appeals Board. Those appeals are specifically identified in the other two categories of information provided in this report: the number of academic offense cases, including appeals, and the number of submitted grade appeals. (A student may consult with the Ombud's Office about bringing a grade appeal and decide not to bring an appeal. This report accounts for such matters as one of the "Questions or Referrals" or as one of the "Cases," depending on how much time is spent on the matter.)

The first part of the report also provides information about the types of non-academic offense cases considered by the Office. Two types of information are provided about such cases: the subject of the case and the source of the case.

The second category of information relates to cases in which a University department determined that a student committed an academic offense. During the 2014-15 academic year, academic departments determined that an academic offense was committed in 120 cases. This number is smaller than the number of academic offense cases for the past three years (132, 191, and 177). Seven of the academic offense cases for 2014-15 were second offenses, and the remaining 113 cases were first offenses. Of the 113 first offenses, nine students were charged with a major offense resulting in a penalty of E, XE, dismissal, or expulsion. The report provides aggregated, anonymous information about the students who were determined to have committed academic offenses and the Colleges that determined that the academic offenses had occurred.

Of the 120 academic offense cases, 105 students did not contact the Ombud's Office. The remaining fifteen students contacted the Ombud's Office, and seven students decided to appeal the charge to the University Appeals Board. Five of the seven cases appealed by students involved cheating and two involved plagiarism. Of the five students who appealed the charge of cheating, one appeal was upheld, three were denied, and one case was not heard because the student was expelled for other reasons before the case was heard. Both appeals of plagiarism were denied.

The third category is comprised information about grade appeals submitted by students. Before being considered by the University Appeals Board, a grade appeal is first reviewed by the Ombud who decides whether the appeal has merit or lacks merit. If the Ombud decides that a grade appeal lacks merit, the student may appeal that decision to the University Appeals Board. There were a total of fourteen grade appeals during the 2014-15 year. The Ombud determined that four had merit and ten lacked merit. Of the four determined by the Ombud to have merit, two appeals were upheld and two were denied. Of the ten appeals determined by the Ombud to lack merit, six students did not appeal the no-merit decision. Students appealed four no-merit decisions. Three of these decisions were upheld and one was overturned by the University Appeals Board.

The final category of information is a summary of the total number of cases (academic offense appeals and grade appeals) that the Ombud transmitted to the University Appeals Board. This summary table repeats information presented earlier in the report.

Thank you for the opportunity to present this annual report and to serve as the Academic Ombud.



Michael P. Healy

ACADEMIC OMBUD SERVICES STATISTICAL REPORT
Michael Healy 2014/15

I. All Matters

Total Numbers	2014/15	2013/14	
Number of cases	370*	497	
Questions or Referrals, typically single contacts of less than an hour	~ 1091*	~875	
	1461	1372	Total

Types of Cases with Yearly Comparisons	2014/15	2013/14	2012/13	2011/12	2010/11	
Non-Academic Offense Issues	250	365	346	352	367	
Academic Offense Determinations	120	132	191	177	139	
	370	497	537	529	506	Total

Information About Cases that Do Not Involve Academic Offenses

Description of Cases	
Attendance	17
Classroom Policy Violations	0
Exam/Class Requirements	17
Grades	111
Instruction	19
Personal Problems	17
Policies: Academic Offense Issues	11
Policies: General	15
Progress/Promotion	43
Retroactive Withdrawal	0
	250 Total

Classification of Source	
Non-Degree	2
Freshman	31
Sophomore	35
Junior	43
Senior	60
Graduate Student	42
Professional Program Student	9
Faculty Member	18
Staff Member	2
Parent	4
Other	4
	250 Total

**Reduction in numbers for the 2014/15 academic year results from improved records about whether or not a case requires more than an hour. These records also explain the increase in minor matters that are typically single contacts of less than an hour.*

II. Determinations and Appeals of Academic Offenses

Type of Academic Offense Determinations

Cheating	26
Plagiarism	94
	120 Total

Contact with Ombud

No Contact with Ombud	105
Contacted Ombud; No appeal	8
Contacted Ombud; Referred to UAB	7
	120 Total

Classification of the Student	First w/ Minor Penalty	First w/ Major Penalty	Second Offense	Total
Freshman	47	1	1	49
Sophomore	13	0	2	15
Junior	21	2	1	24
Senior	16	4	2	22
Graduate student	7	2	1	10
				120 Total

Origin of Determination of Offense

College of Agriculture, Food and Environment	4
College of Arts & Sciences	73
Gatton College of Business & Economics	8
College of Communication & Information	17
College of Dentistry	0
College of Design	4
College of Education	1
College of Engineering	5
College of Fine Arts	1
College of Health Sciences	4
College of Law	0
College of Nursing	1
College of Pharmacy	1
College of Public Health	0
College of Social Work	1
Honors Program	0
Martin School of Public Policy	0
Patterson School of Diplomacy	0
	120 Total

Academic Offense Appeals Referred to the University Appeals Board

	Upheld	Denied	Total
Plagiarism: Appealed severity of sanction		1	1
Plagiarism: Appealed determination		1	1
Plagiarism: Appealed severity of sanction and determination			0
Cheating: Appealed severity of sanction			0
Cheating: Appealed determination	1	1	3*
Cheating: Appealed severity of sanction and determination		2	2
			7 Total

*One student was expelled before case went before UAB

III. Grade Appeals

Grade Appeals Referred to the University Appeals Board

	Upheld	Denied	Uncontested	Total
Appeals referred and determined to have merit	2	2	n/a	4
Appeals referred and determined to lack merit	3	1	6	10
				14 Total

IV. Summary of Cases Transmitted by the Ombud to the University Appeals Board

Total Number of Appeals

Academic Offense Appeals	7
Grade Appeals	14
Retroactive Withdrawal Appeals	0
Other Appeals	0
	21 Total

Academic Offense Appeals Referred to the University Appeals Board

	Upheld	Denied	Total
Plagiarism: Appealed severity of sanction		1	1
Plagiarism: Appealed determination		1	1
Plagiarism: Appealed severity of sanction and determination			0
Cheating: Appealed severity of sanction			0
Cheating: Appealed determination	1	1	3*
Cheating: Appealed severity of sanction and determination		2	2
			7 Total

*One student was expelled before case went before UAB

Grade Appeals Referred to the University Appeals Board

	Upheld	Denied	Uncontested	Total
Appeals referred with merit from the Ombud	2	2	n/a	4
Appeals referred with no merit from the Ombud	3	1	6	10
				14 Total