

UNIVERSITY OF KENTUCKY

SENATE

Regular Session

February 10, 2003
3:00 p.m.

W.T. Young Library
First Floor Auditorium
Lexington, Kentucky

Dr. Jeffrey Dembo, Chair

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JEFFREY DEMBO, CHAIR

GIFFORD BLYTON, PARLIAMENTARIAN

COUNCIL *ANGELIQUE CLARK, SECRETARY TO SENATE*

REPORTER *STEPHANIE K. SCHLOEMER, COURT*

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1 CHAIR DEMBO: The first
2 order of business -- I'd like to welcome a few new
3 people to the Senate and to the Senate Council. We
4 have two new students who are senators now, Brad
5 Wilder from Engineering and Daniel Grant's from
6 Pharmacy. We have a new faculty member, Pat Leffler
7 from LCC. And we have, since the last Senate
8 meeting, three new -- well, two new and one very
9 familiar Senate Council members: Ernie Yanerella
10 from Arts & Sciences; Kaveh Tagavi was re-elected;
11 and Mike Cibull from the College of Medicine. And we
12 also have another Senator present. Our new Vice-
13 President for Research, Wendy Baldwin, is here, who
14 is going to be serving this year as a voting member
15 on the Senate.

16 First order of business is to approve
17 the minutes that were distributed from four different
18 Senate meetings from last year, the 9th, the 30th,
19 the 14th of October and the 9th of December. Unless
20 there's objection, I'd like to see if we can approve
21 those as a package. Are there any amendments or
22 changes to the minutes, as you've read them? (No
23 response.)

24 (Whispering:) Has anybody read them?
25 Is Kaveh not here?

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1 MR. TAGAVI: I read them.

2 It's okay.

3 MR. BLANDFORD: **MOVE** to
4 approve.

5 CHAIR DEMBO: Thank you.

6 MR. GESUND: **SECOND**.

7 CHAIR DEMBO: Any other
8 discussion?

9 COURT REPORTER: Who said
10 that?

11 CHAIR DEMBO: George
12 Blandford. Seconded by Hans Gesund.

13 As a reminder again, before you speak,
14 please identify yourself and the college in which you
15 reside.

16 All in favor of accepting all the
17 minutes, signify by saying aye.

18 ("AYE" VOICE VOTES: UNANIMOUS)

19 CHAIR DEMBO: Any opposed?

20 ("NAY" VOICE VOTES: NONE)

21 CHAIR DEMBO: Thank you.

22 The next order of business is a
23 Memorial Resolution that will be delivered by
24 Professor Govindarajulu of Statistics.

25 MR. GOVINDARAJULU: Mr.

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1 Chairman, ladies and gentlemen, I want to do the
2 Memorial Resolution for Professor Richard L.
3 Anderson.

4 Richard L. Anderson, Professor
5 Emeritus and founding Chair of the Department of
6 Statistics, died on January 19, '03. Born on April
7 20, 1915 in North Liberty, Indiana, Dick was reared
8 on a general-purpose farm. He developed an early
9 interest in statistics by observing the natural
10 variability in crop and livestock production and
11 fondly recalled the experiments that he and his
12 father performed to improve crop yields. He left the
13 farm to attend DePauw University from which he
14 received his A.B. degree in 1936. He then pursued
15 graduate study at Iowa State from which he received
16 his M.S. and his Ph.D. in 1938 and 1941 respectively.

17 Dick had a long and distinguished
18 career in academia. From 1941 to 1967 he was on the
19 faculty of North Carolina State University and served
20 as Graduate Administrator for the Department of
21 Experimental Statistics during the period from 1953
22 to 1966. During World War II, Dick taught in the
23 Army Specialized Training Program and analyzed flight
24 data with the Statistical Research Group at Princeton
25 University.

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1 In 1967, Dick came to the University
2 of Kentucky to chair the newly-created Department of
3 Statistics and to initiate the graduate programs in
4 statistics, where he served for three terms as Chair
5 before becoming an assistant to the Dean of
6 Statistical Services in the College of Agriculture in
7 1980. During his career, he also held visiting
8 appointments at the London School of Economics,
9 Purdue University, the University of Georgia, and the
10 Indian Statistical Institute.

11 In 1978, Dick was one of the founders
12 of a local statistical consulting firm, and he
13 continued to work there even after his retirement
14 from UK in 1985. Dick published 66 papers in the
15 areas of experimental design, regression analysis,
16 variance component models, and time series analysis.
17 In 1952, he co-authored the famous book with T.A.
18 Bancroft entitled Statistical Theory in Research.

19 Dick was a fellow of the American
20 Statistical Association, the Institute of
21 Mathematical Statistics, the American Association for
22 the Advancement of Science, and was an elected member
23 of the International Statistical Institute. He
24 served as the President of the American Statistical
25 Association and the Eastern North America Region of

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1 the Biometric Society and as a Chair of the Southern
2 Regional Education Board's Committee on Statistics.
3 He was on various editorial boards of professional
4 journals and supervised 9 Master's and 26 Ph.D.
5 dissertations at the N.C. State University and three
6 Ph.D. Dissertations at the University of Kentucky.

7 Despite his greatness, Dick was a man
8 of great humility and kindness. His influence on the
9 statistical profession and particularly on the
10 faculty and the graduate students at North Carolina
11 State University and the University of Kentucky was
12 extensive and enduring.

13 Dick is survived by his wife of 57
14 years, Mary, his children, Kathy and Bill, and by
15 three grandchildren, three brothers and three
16 sisters. They and all of his friends and former
17 colleagues around the world will miss his presence.

18 Mr. Chairperson, I request that this
19 Resolution be distributed with the minutes and a copy
20 be sent to Professor Anderson's family.

21 Thank you.

22 CHAIR DEMBO: Could I ask
23 that we observe a moment of silence in honor of our
24 departed colleague.

25 (Silence observed.)

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1 CHAIR DEMBO: Thank you,
2 Professor Govindarajulu.

3 Two more announcements before we get
4 into our action items. The first is that I'd like to
5 enter into the Senate minutes that our Senate Council
6 Staff Assistant of 30 years, Cindy Todd, has moved to
7 another place at the University. She is working for
8 the U.K. Legal Clinic. And I wanted to have it
9 entered into the minutes that the Senate Council, on
10 behalf of the entire Senate, is deeply grateful to
11 her for her many years of service and her attention
12 to detail in the business of the University Senate
13 and the Senate Council.

14 Also, in the way of announcements, the
15 calendars, the academic calendars will be posted;
16 they'll be attached to the web minutes. They've
17 already been approved by the Senate Council.

18 And, now, moving into the first action
19 item. Dr. Kalika, Dean of the Graduate School, will
20 be presenting the Honorary Degree candidates that
21 will be recommended to the president. These were
22 decided upon by the Graduate Council. Maybe, Doug,
23 you can describe the process very briefly.

24 And, as an aside, since this is merely
25 at the recommendation stage and it hasn't gotten

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1 anywhere near approval, although we cannot
2 technically close the meeting, I'm hoping that I can
3 appeal to everybody's sense of ethics to keep these
4 recommendations private until they are announced and
5 approved by the Board of Trustees, that nobody thinks
6 that this is a finalized list.

7 So, Professor Kalika.

8 (PowerPoint presentation)

9 MR. KALIKA: Thank you.

10 Good afternoon. As requested by Dr.
11 Dembo, I'll address just briefly the process which
12 takes place in terms of the nomination of Honorary
13 Degree Candidates and their recommendation to
14 President Todd and then to the Board of Trustees.

15 Each fall an announcement is
16 circulated to the campus community requesting
17 nominations for Honorary Degree Candidates. This
18 year's call for nominations, I believe, closed at the
19 end of October. Those nominations were then
20 considered by the standing committee on honorary
21 degrees. Tom Robinson, the Dean of the College of
22 Health Sciences, is currently the chair of that
23 committee. And you can also see the faculty members,
24 the trustee member, and also the ex-officio members
25 of that committee. Based on the deliberations of the

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1 committee, a slate of three nominees was then taken
2 forward and put before a meeting of the Graduate
3 Faculty, which took place on January the 16th, and
4 the Graduate Faculty approved each of the individual
5 nominees that were presented to them. And so it's my
6 privilege to present these three individual nominees
7 for honorary doctoral degrees with the plan being
8 that the degrees will be conferred at the spring
9 commencement on the 10th of May.

10 The first honorary degree nominee is
11 **MARY SUE COLEMAN**. Recently appointed as the 13th
12 president of the University of Michigan, Mary Sue
13 Coleman is at the pinnacle of her distinguished
14 career in higher education. A native of Madison
15 County, Kentucky, Dr. Coleman was formerly the
16 president of the University of Iowa where she served
17 for seven years. She has also served as Provost and
18 Vice President for graduate studies and research at
19 the University of New Mexico and as a Vice Chancellor
20 and Associate Provost at the University of North
21 Carolina at Chapel Hill. She served 19 years as a
22 member of the biochemistry faculty and as a Cancer
23 Center Administrator at the University of Kentucky,
24 where her research focused on the immune system and
25 malignancies.

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1 At the University of Michigan, Dr.
2 Coleman holds faculty positions as a professor of
3 biological chemistry in the University of Michigan
4 Medical School and professor of chemistry in the
5 College of Literature, Science, and the Arts. She
6 has a record of 77 publications in scientific and
7 academic journals and has received more than two
8 dozen grants totaling \$8 million for her research in
9 cancer, genetic engineering and biology.

10 Elected to the National Academy of
11 Sciences' Institute of Medicine in 1997, Dr. Coleman
12 is a fellow of the American Association for the
13 Advancement of Science and of the American Academy of
14 Arts and Sciences. She co-chairs the Institute of
15 Medicine's Committee on the Consequences of
16 Uninsurance. Her extensive leadership positions in
17 higher education include serving on the Association
18 of American Universities executive committee, the
19 American Council on Education Board of Directors, the
20 National Collegiate Athletic Association Board of
21 Directors, and the Knight Commission on
22 Intercollegiate Athletics.

23 Dr. Coleman has also served on the
24 Board of Trustees of Grinnell College, the Board of
25 Trustees of the Universities Research Association,

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1 the ACE Task Force on Teacher Education and
2 Commission on Minorities in Higher Education, the
3 Business-Higher Education Forum, Imagining America
4 Presidents' Council, AAU Task Force on Research
5 Accountability, the NCAA Standards for Success
6 Advisory Board, and Presidents Leadership Group of
7 the Higher Education Center for Alcohol and Other
8 Drug Prevention.

9 Dr. Coleman earned her bachelor's
10 degree in chemistry from Grinnell College and her
11 doctorate in biochemistry from the University of
12 North Carolina. She engaged in postdoctoral work at
13 North Carolina and at the University of Texas at
14 Austin.

15 For her distinguished record of
16 leadership in higher education and her research
17 accomplishments, Mary Sue Coleman is recommended as a
18 recipient of the 2003 Honorary Doctor of Science
19 Degree.

20 Our second nominee is **WILLIAM S.**
21 **FARISH, III.** Ambassador to the court of St. James,
22 Great Britain, since Senate confirmation in July
23 2001, William S. Farish has had a long and
24 distinguished career with interests both in Texas and
25 Kentucky. Ambassador Farish is the former president

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1 of W.S. Farish and Company, a trust management
2 business in Houston. He is also the founder and
3 owner of Lane's End Farm, a 2,000-acre commercial
4 thoroughbred breeding facility near Versailles, and
5 is the former chairman of the Board of Churchill
6 Downs.

7 Ambassador Farish began his career as
8 a stockbroker at Underwood, Neuhaus and Company in
9 Houston. He later became president of Navarro
10 Exploration Company and was a founding director of
11 Eurus, Incorporated, a New York bank holding company,
12 and of Capital National Bank in Houston. He is a
13 past organizing member of the National Urban League-
14 Houston Chapter, and chairman of the Houston Parks
15 Board. He is also former chairman of the Ephraim
16 McDowell Cancer Foundation and is currently a member
17 of BritishAmerican Business Incorporated Board and
18 the British-American Business Council International
19 Advisory Board.

20 Prior to becoming ambassador, Mr.
21 Farish served on the boards of Houston Natural Gas,
22 Pogo Productions, Galveston-Houston Corporation, Post
23 Oak Bank, Zapata Offshore Oil, Baylor College of
24 Medicine, Rice University and Transylvania
25 University. He formerly served on the Board of

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1 Trustees of St. John's School in Houston and South
2 Kent School in South Kent, Connecticut. He is the
3 former chairman of the William Stamps Farish Fund, a
4 charitable foundation, in Houston.

5 With ties to the Commonwealth of
6 Kentucky since purchasing his first thoroughbred at
7 Keeneland in 1963, Ambassador Farish has also been a
8 longtime supporter of the University of Kentucky. He
9 has worked to establish the Markey Cancer Center and
10 supported UK Athletics as well as the UK general
11 fund. He has also served as chair of private giving
12 for the Gluck Equine Research Center. A founding
13 director and former chairman of the executive
14 committee of Breeders' Cup Ltd., Ambassador Farish is
15 currently a member of the Board of Directors of the
16 Keeneland Association. He was the winner of the
17 Eclipse Award for Leading Breeder in 1992 and again
18 in 1999 and his Lane's End Farm was named leading
19 farm of 2002 by Thoroughbred Times.

20 As ambassador to Britain, Mr. Farish
21 represents the people of the United States, and in as
22 much represents the people of Kentucky. His
23 dedication to serving his country and helping its
24 interests abroad has also strengthened his adoptive
25 home state. His work has and will continue to

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1 provide increased opportunities for U.S. interests
2 internationally.

3 For his distinguished record of
4 leadership in industry, educational contributions,
5 and service to the people of the United States and
6 the Commonwealth of Kentucky, William S. Farish III
7 is recommended as the recipient of a 2003 Honorary
8 Doctor of Laws degree.

9 And, finally, our third nominee is
10 **MICHAEL LEE MULLINS.**

11 Through a quarter of a century of
12 service as executive director of the Hindman
13 Settlement School in Hindman, Kentucky, Michael L.
14 Mullins has contributed significantly to education,
15 as well as to the arts and humanities of the
16 Appalachian region. Born in Hi Hat, Kentucky and
17 educated at Berea College and the University of
18 Cincinnati, Mr. Mullins has possessed the vision
19 needed to transform a moribund institution into a
20 thriving and useful community asset. At Hindman
21 Settlement School, Mr. Mullins has been instrumental
22 in the development of the East Kentucky Tutorial
23 Program for children with dyslexic characteristics,
24 the Adult Learning Center that coordinates tutorial
25 and testing services for adult basic education, and

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1 the Eastern Kentucky Teachers Network, an
2 organization of 85 teachers who are using the Foxfire
3 teaching approach. In addition, he has assisted in
4 providing facilities and support for the Knott County
5 Library and making a home for the Knott County 4-H
6 program.

7 Mr. Mullins has continued to build on
8 the artistic and literary heritage of the Hindman
9 Settlement School through his creation of the annual
10 Writers Workshop and Family Folk Week. The Writers
11 Workshop has attracted professional and amateur
12 writers from across the country to work with such
13 authors as Gurney Norman, Lee Smith, Wendell Berry,
14 Jim Wayne Miller, James Still, and Ed McClanahan.

15 Similarly, people from all over the
16 United States engage in Family Folk Week, which
17 features music, oral tradition, and crafts taught by
18 such remarkable representatives of the culture as
19 Jean Ritchie, Verna Mae Slone, Andrenna Belcher,
20 Minnie Adkins, and Lee Sexton. These annual events
21 are complemented by a wealth of activities such as
22 Artists-in-the Schools programs, musical festivals,
23 community workshops and dances, and the establishment
24 of the Marie Stewart Crafts Cabin, an outlet for the
25 master craftspeople of the region.

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1 Also important is his work with the
2 Knott County Community Development Initiative. Mr.
3 Mullins has been instrumental in the conception and
4 implementation of \$20,000,000 in projects ranging
5 from a branch of Hazard Community College and a
6 technology center for distance learning, to
7 associated water, sewer, parking, access, and
8 environmental improvements at the Hindman Settlement
9 School.

10 Michael Mullins represents the kind of
11 leadership that Appalachia needs as it moves into the
12 21st Century. By his own actions, he has encouraged
13 others to make a difference. He has applied
14 knowledge, education, and pride in his own people as
15 they work together to solve the problems facing his
16 and many other communities in the Appalachian region.

17 His list of service activities is a
18 long one and includes the Knott County Chamber of
19 Commerce, Public Library Board, Tourism Committee,
20 Literacy Council, Hindman Lions Club, Kentucky
21 Citizens for the Arts, Kentuckians for the
22 Commonwealth, East Kentucky Leadership Conference,
23 Leadership Kentucky, Appalachian Studies Association,
24 Kentucky Arts Council, Forward in the Fifth, Jenny
25 Wiley Theater, the Orton Dyslexia Society, Kentucky

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1 Appalachian Advisory Council, Kentucky Appalachian
2 Commission, Preservation Kentucky, and the Tracy
3 Farmer Center for the Environment Advisory Board.

4 For his contributions to education and
5 the arts and humanities in the Appalachian region,
6 Michael Lee Mullins is recommended as a recipient of
7 the 2003 Honorary Doctor of Letters degree.

8 CHAIR DEMBO: With that,
9 I'll entertain a motion to accept these three
10 candidates for recommendation for the degrees
11 indicated.

12 MR. CANON: Brad Canon,
13 Political Science. So **MOVE**.

14 CHAIR DEMBO: Is there a
15 second?

16 MS. STATEN: Ruth Staten,
17 College of Nursing. **SECOND**.

18 CHAIR DEMBO: Okay. Is
19 there any discussion or questions for Dr. Kalika?
20 (No response.)

21 Okay. All in favor of recommending
22 these candidates, signify by saying aye.

23 ("AYE" VOICE VOTE: UNANIMOUS)

24 CHAIR DEMBO: All opposed.

25 ("NAY" VOICE VOTE: NONE)

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1 CHAIR DEMBO: Thank you very
2 much.

3 The agenda will get increasingly
4 complex as we go on. So this is the easy stuff so
5 far.

6 The next item of business concerns the
7 law school honor code. Let me give you a little bit
8 of the chronology so you know where it's been and why
9 it's coming to you right now.

10 At the Senate meeting in April of 2000
11 the law school presented an Honor code proposal. And
12 at that point the Senate indicated some concern about
13 the extent to which a Code was run by students, and
14 the fact that students were in the Code appointed by
15 the dean and not elected. Louise Graham at that time
16 indicated to the Senate that, one, it's hard to run
17 for election by saying, "I'm more honest than you."
18 It's also -- Having the dean select students, in
19 their opinion, would provide more experienced
20 students and more diversity. And finally, that, in
21 general, the Honor code process had gotten so
22 lawyered up, it was not working properly.

23 (Laughter)

24 Those are not my words.

25 At that point in time at that Senate

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1 meeting, there was an amendment offered for the Honor
2 code to have the members elected by the Student Bar
3 Association. And that amendment failed. There was
4 an amendment to have three students and two faculty
5 instead of two and two, and that failed. Finally,
6 there was an amendment to accept the proposal and to
7 have it in effect for two years and returned to the
8 Senate for reconsideration.

9 The rule that we're talking about here
10 says that any school or college can establish an
11 Honor code governed by the students with approval by
12 and/or appeal to the faculty of such a college. So
13 that's the principle that we're going by here.

14 The Senate Council met on the revised
15 honor code 12/19 of '02. There had been an extension
16 offered. Following discussion, there was a motion
17 made to waive the Senate rule, since it was going to
18 be not until February that the Senate was going to
19 meet again. And Professor Frost and Dean Vestal were
20 concerned that there would be no honor code in place
21 at the start of the spring semester. So the Senate
22 Council decided to approve the law school honor code
23 as an emergency situation with the idea that it would
24 come before the Senate at its February meeting, also
25 contingent on revising Senate Rule VI 6.0, noting

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1 that if an Honor code is not student governed, then
2 the affected students would preserve their right to
3 appeal their case to the University Appeals Board and
4 heard as a de novo case.

5 So let me explain that to you first.
6 Right now, if a college has an honor code, the only
7 thing the Appeals Board is allowed to do is to find
8 out if the college followed its own rules correctly.
9 It's not supposed to start the whole hearing all over
10 again. Hence, then the board can only act if it
11 believes that the students' rights have been
12 violated. And, in that case, the Appeals Board can
13 conduct a de novo hearing.

14 So before we put the law school honor
15 code on the floor, we need to consider the proposed
16 amendment that's come from the Senate Council saying
17 if the Honor code is not student governed, the
18 affected students preserve their full right of appeal
19 as any other student would who's not in a college
20 with an Honor code.

21 So, from the Senate Council, let's put
22 on the floor for discussion. Do you all understand
23 the reason to approve this first?

24 MR. GROSSMAN: Bob Grossman.

25 CHAIR DEMBO: College of...

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1 MR. GROSSMAN: College of
2 Arts & Sciences. What does "student governed" mean?

3 CHAIR DEMBO: Students get
4 to elect their members; they run the process.
5 Basically, it's an all-inclusive term. I don't know
6 if I can answer it any better for you.

7 There was another hand up? Yeah, Bob,
8 go ahead.

9 MR. GROSSMAN: I am still
10 not clear. Does "student governed" exclude certain
11 things and include other things, like the extent to
12 which faculty are involved in the process?

13 CHAIR DEMBO: So let me
14 preempt a little bit of what Professor Frost is going
15 to say when he talks about the Honor code.

16 Their college decided that they wanted
17 the dean to appoint students. And their whole
18 community decided upon that. So, in that sense, it
19 can't be considered a purely student governed code;
20 yet, it represents the spirit of what their community
21 wants to have as an Honor code. So changing the rule
22 or providing this amendment would allow that leeway
23 to occur.

24 MR. MICHAEL: How do we know
25 that they want this Code? How do we know? The

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1 students wants the Code, faculty wants the Code,
2 college wants the Code, who wants the Code?

3 CHAIR DEMBO: Would it be
4 better for me to go into the Code, itself, and show
5 you what they've come up with so you can see the need
6 for this amendment? Would that help you?

7 MR. GOVINDARAJULU: But that
8 doesn't seem to have anything to do with who actually
9 asks for it, the students, faculty. Who asks for the
10 Code?

11 CHAIR DEMBO: For the Honor
12 code?

13 MR. MICHAEL: Yes.

14 CHAIR DEMBO: It's usually a
15 joint -- It should be a joint faculty/student
16 decision. And the idea in the professional colleges
17 that have it, Medicine, Dentistry, Pharmacy, and Law,
18 is that a college gets to perform its own peer review
19 when an infraction has occurred. So it's an
20 educational experience and it also allows the
21 students to participate in their own community.

22 MR. MICHAEL: I still didn't
23 hear who actually proposes it. I mean, is it the
24 students? Is it faculty? Who is the body who asks
25 for it?

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1 CHAIR DEMBO: So in this
2 case, Chris?

3 MR. FROST: Sure. I'd be
4 happy to discuss with you all the process we went
5 through to put together this Honor code.

6 And I have here with me several
7 members of our community who were active in that
8 process. To my left is Professor Kathy Moore, who is
9 a faculty member of the committee to revise the Honor
10 code. To her left is Mr. Stephen Marshall, who is
11 the current Chair of our Honor Council and third-year
12 student. To his left is Mr. Joey Stewart, the
13 president of our Student Bar Association elected by
14 the entire student body. And sitting in front is Ms.
15 Anna Warnock who is a student member of the Honor
16 Council, a second-year student, who also served on
17 the Honor Council.

18 When our Honor Council expired, we
19 came and asked you all about this time last year for
20 an extension through the semester, through the fall
21 semester, of our Honor code so that we could
22 undertake a study and look at it and talk about it
23 among our community. You granted that extension and
24 here's what we did. We put together a committee of
25 four students and four faculty members to look at the

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1 Honor code in toto including and specifically the
2 question of whether we wanted students to elect their
3 members.

4 We met four times and came up with
5 some revisions but basically left in place in that
6 committee this notion that the dean would appoint
7 them. One change we did make at both, I think, the
8 instance of the dean and the instance of the student,
9 was that the dean would consult the student leaders,
10 the outgoing Chair of the Honor Council, as well as
11 the President of the Student Bar Association in
12 making those appointments. We thought that added a
13 lot to the process.

14 We then took the recommendations that
15 we came up with, that I can go through with you, and
16 submitted them to, really, three reviews. The entire
17 Student Honor Council Review, and that's a 12-member
18 body of students, those students reviewed that. The
19 Student Bar Association officers reviewed the
20 changes. And we had a new forum. During the period
21 we set aside for such forum in which there are no
22 classes. We had about 30 students attend that. We
23 all got copies of our revisions and we discussed and
24 pointed out specifically what we had done, and also
25 discussed this question of election.

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1 We heard no student -- And these
2 students can certainly expand on what I say. And if
3 you have any questions for them, please feel free.
4 We heard no student that wanted an election. They
5 were happy with the dean's appointment. They did,
6 however -- They were more happy with the
7 consultation. That worked well for everybody who
8 took an interest in this and I think it was a pretty
9 good process for our meetings. That's how we came
10 out.

11 CHAIR DEMBO: Other
12 questions?

13 MR. TAGAVI: Kaveh Tagavi.
14 Since I brought up several years ago this government
15 by students, let me just briefly state, in my
16 opinion, the University right now allows students to
17 be in charge of their own Honor code. In lieu of
18 losing the right to be heard de novo, they can appeal
19 to the Appeals Board.

20 What happened with the law school, in
21 my opinion, two years ago, it was not student
22 governed and I think the law professor that -- who,
23 themselves, they admit it's not governed today. But
24 to their credit, they allowed -- they restated the
25 right of students to be heard de novo. That's the

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1 reason for the rule change that you were proposing a
2 few minutes ago.

3 But while I'm up -- and I apologize, I
4 thought I had read everything in your Honor code. So
5 I didn't bring the copy with me. I thought the Honor
6 Code chair was going to be a student but I saw
7 Professor Gaetke's name as the chair.

8 MR. FROST: He was the chair
9 of the Revision Committee to the Honor code.

10 MR. TAGAVI: Okay. Thank
11 you.

12 CHAIR DEMBO: Professor
13 Grossman?

14 MR. GROSSMAN: Yes. I still
15 don't understand this amendment. "If the Honor Code
16 is not student governed ..." Who decides whether an
17 Honor code is student governed? And I thought the
18 whole point of approving an Honor code is that it
19 would be student governed. So why would any non-
20 student governed Honor code be approved in the first
21 place?

22 CHAIR DEMBO: Chris, can you
23 describe a little bit of the problems that you ran
24 into to make your college have different needs than
25 some of the other colleges with Honor codes?

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1 MR. FROST: Sure. And I'll
2 also ask one of the students to address this question
3 of election.

4 I think for us, I'm not -- Our last
5 Honor code had a lot of problems with it that caused
6 the process to get lawyered up and I think we've
7 streamlined that. And this was all what was approved
8 in 2000 for the two-year period. So I'm not going to
9 place a lot of reliance on that.

10 I think, for our community, we are
11 comfortable with the notion of adjudicators being
12 appointed. It's something that I think, even though
13 we do have state courts that are elected, it's
14 something that the federal courts and the courts that
15 we look to as the best courts in the land, are courts
16 that are appointed, courts that don't really get
17 involved in sort-of judicial elections. You know,
18 vote for me and I'll make sure that no student is
19 ever charged and convicted of an Honor code
20 violation.

21 I have a lot of faith in our students
22 but I think for the long term -- I also have faith
23 in the notion that they can sort of self-regulate.
24 They know what they want. I mean, they've thought
25 about this a lot, thought about it and talked about

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1 it. And I think that the specter of an election with
2 them as something that's important, just didn't fit
3 with their needs. But better for me to let the
4 students address that. And I'll let one of them
5 comment.

6 MR. GROSSMAN: I don't have
7 any problem with the rationale for the dean
8 appointing students. What I don't understand is the
9 rationale for this amendment. I mean, does it mean
10 that at five years down the road a student can stand
11 up and say, "Well, this is not a student governed
12 Honor code; therefore, I want a right of appeal"?
13 Are you saying that with this new revamped Honor
14 code, the students will have a right of appeal to the
15 University Appeals Board or will not have a right?

16 MR. FROST: The students in
17 our Honor code, which will come -- as soon as this
18 amendment's over, will come before you for your own
19 approval, do have a de novo right of review to the
20 University Appeals Board, as opposed to just a sort
21 of -- I guess the other review is to just determine
22 whether or not we followed our own internal
23 procedures.

24 MR. GROSSMAN: So you're
25 saying that this honor code is not an honor code as

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1 envisioned originally by the rules?

2 MR. FROST: Well, I guess
3 I'm not willing to say that, necessarily. I don't
4 want to over-lawyer your question. This is -- We
5 consider this to be an honor code. The students all
6 sign honor pledges. That's the most important thing,
7 I think, for us. And, again, I'm speaking for the
8 students and I shouldn't do that. I'm going to let
9 them address that. That aspect of the honor code is
10 retained. The aspect of the honor code in which
11 students and faculty formed a committee to hear
12 charges is retained.

13 The difference is, the dean - They
14 make a recommendation to the dean who makes a
15 determination at that point. That determination then
16 follows the normal University procedure for appeals.
17 So it depends on how you look at it. One might look
18 at it as being the normal University procedure, once
19 it leaves the law school with this advice and this
20 collaborative effort going into it while it's in the
21 law school. I mean, as I understand the general
22 rule, it's that the dean makes the determination and
23 it goes straight to the University appeals and all
24 the due processes contained there. You asked what we
25 -- We've just added some elements to that in-school

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1 determination.

2 MR. GROSSMAN: So you are,
3 in fact, saying that now the honor code that you are
4 proposing will not qualify as a student governing
5 honor code under this rule?

6 MR. FROST: I never said
7 that. All right?

8 (Laughter)

9 MR. GROSSMAN: Then I don't
10 understand the purpose of an amendment.

11 MR. FROST: You all will
12 have to make -- You all will have to make your
13 determination. I read "student governed" differently
14 from some other people. If -- There's a sense that
15 this rule needs to be amended to pass the honor code.
16 My main interest is the honor code that we have,
17 because we're comfortable with it, as an institution.
18 What you need to do with the rules, I think I'll have
19 to turn back to you all.

20 MR. DURANT: David Durant,
21 Arts.

22 COURT REPORTER: Pardon?

23 MR. DURANT: David Durant,
24 Arts.

25 Are the other honors in the other

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1 colleges student elected?

2 CHAIR DEMBO: Yes, they are.

3 MR. DURANT: Okay. So the
4 real difference then is whether they're student
5 elected or dean appointed?

6 CHAIR DEMBO: That's the
7 biggest difference, yeah.

8 MR. GROSS: Don Gross,
9 Political Science.

10 Will you put up the Senate Rule again,
11 the creation of honor codes? So it doesn't really
12 require that it be student governed?

13 CHAIR DEMBO: There's two
14 parts to this rule.

15 MR. GROSS: Okay. Could I
16 get the second part?

17 CHAIR DEMBO: This is the
18 first part.

19 MR. GROSS: What I guess I
20 don't understand is, if I have authority to create it
21 requires that it be student governed, I don't
22 understand an amendment which immediately says, but
23 in those cases when it's not student governed, we can
24 do this. I mean, it's not a question of whether this
25 is a good idea or not. But it seems like we can only

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1 create one if it is student governed. And then to
2 say it isn't, that seems to be quite a contradiction
3 to me.

4 CHAIR DEMBO: Well, if I can
5 make a suggestion. The Senate Council recommended
6 this change to accommodate the law school's honor
7 code. But we don't want to get in the way of the
8 approval of the honor code, even if it means not
9 accepting this amendment to the rule. Because that's
10 really the spirit, is having a community being able
11 to self-determine how they want to handle academic
12 infractions. The University of Virginia, for
13 example, is an entirely student-run honor code and
14 they could recommend expulsion of a student. So
15 that's yet one step further.

16 Professor Berger?

17 MR. BERGER: Ron Berger,
18 Medicine. I'm probably slow today. I can't still
19 understand the difference. Do they on their student
20 honor codes, do they have a right to appeal--

21 CHAIR DEMBO: Only--

22 MR. BERGER: --for de novo
23 hearing, not for violation of rights that they have?

24 CHAIR DEMBO: No. No, the--

25 MR. BERGER: So nobody has?

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1 CHAIR DEMBO: So the College
2 of Medicine, if somebody--

3 MR. BERGER: Well, let me
4 take it a step at a time, because I can't otherwise
5 follow. Okay? So we have a whole bunch of honor
6 codes that are considered student ran, which do not
7 have right of appeal; is that correct?

8 CHAIR DEMBO: The only
9 appeal is if they feel the process is not fair.

10 MR. BERGER: They have a
11 right if the process--

12 CHAIR DEMBO: Right.

13 MR. BERGER: But not for the
14 de novo hearing of guilt or innocence?

15 CHAIR DEMBO: Yeah.

16 MR. BERGER: However, we
17 feel that the law school honor code needs an
18 exception. Therefore, this honor code is different
19 than other honor codes. And the difference is that
20 it can be interpreted that it is not student ran.
21 Yes or no? That's a black-and-white question; it's
22 either yes or no. Is that the reason why we feel it
23 different?

24 CHAIR DEMBO: Yes.

25 MR. BERGER: Okay.

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1 CHAIR DEMO: Why didn't you
2 speak up earlier?

3 (Laughter)

4 Other questions or comments?

5 Professor Grossman?

6 MR. GROSSMAN: I have a
7 problem, then, with the wording of the amendment
8 where it says, "If the honor code is not student
9 governed ..." because it's not clear to me who
10 decides whether an honor code is not student
11 governed. If we want to make an exception for the
12 law school honor code, let's just say, the law school
13 honor code shall be done this way, because this seems
14 to me to be opening up a *Pandora's Box* of every few
15 years someone saying, "This is not truly student
16 governed. I want to appeal." Again, this has
17 nothing to do with the merit of the law school's
18 honor code-

19 CHAIR DEMBO: Okay.

20 MR. GROSSMAN: --but I don't
21 believe that this amendment addresses the concern.
22 Apparently someone has decided that the law school
23 honor code is not truly a student governed honor code
24 but that's -- Because, otherwise, there's no purpose
25 for this amendment; right?

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1 CHAIR DEMBO: Okay.

2 MR. GROSSMAN: But who
3 decided it and is it decided permanently or what. So
4 I would like to see this amendment reworded in some
5 way that addresses these concerns.

6 CHAIR DEMBO: Okay. Can I
7 put it before the Senate, then, to vote on the honor
8 code, itself, since that's the substance that we're
9 trying to analyze here? Okay. So that's on the
10 floor and we're talking now just about the honor code
11 as proposed by the law school that the Senate Council
12 granted as an emergency measure. Okay?

13 All in favor of accepting the law
14 school honor code as is, signify by saying aye.

15 MR. FROST: Wait, wait,
16 wait.

17 MR. DURANT: Have we
18 discussed this at all?

19 CHAIR DEMBO: Am I jumping
20 the gun?

21 MR. CIBULL: We don't know
22 what the honor code is.

23 CHAIR DEMBO: Okay.

24 MR. FROST: Details,
25 details, details.

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1 (Laughter)

2 CHAIR DEMBO: All right. It
3 was -- Chris, do you want to go ahead and...

4 MR. FROST: Yeah, I'll go
5 ahead. Let me get into this.

6 I have focused my comments on the
7 changes to the law school -- part of the law school
8 honor code that was enacted September -- I'm sorry,
9 in the spring of 2000. But let me just talk sort of
10 generally about the way our honor code works. Our
11 honor code works as follows. We have a provision for
12 appointment of students by the -- Well, first of
13 all, we have a series of violations. We have, in
14 terms of the administration of the honor code
15 appointment by the dean of 12 members of the Honor
16 Council.

17 One of the changes that we've made is
18 a provision permitting the dean to appoint first-year
19 law students to the Honor Council. So the idea is
20 that we'll have four from each of our three classes.
21 That appointment is done in consultation with the
22 president of the Student Bar Association and the
23 chair of the Honor Council.

24 In addition, the dean appoints four
25 faculty members to serve. The Honor Council -- The

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1 student group, the 12 students in the Honor Council,
2 is generally charged with maintaining ethical sort-of
3 content of law school and they are people that are --
4 the students can look to, to go ask questions of and
5 can view as student leaders in this arena. Each
6 student signs an agreement agreeing to abide by the
7 college honor code.

8 When we have an honor code complaint,
9 it goes to the chair of the Honor Council. The chair
10 of the Honor Council discusses that complaint with
11 the associate dean of Academic Affairs. The chair of
12 the Honor Council makes the determination as to
13 whether or not the complaint states a violation of
14 the Honor Code. This isn't a question, really, of
15 looking at the -- whether the facts are true but,
16 instead, just asks: Assuming these facts are true, is
17 what's alleged here a violation of the honor code?
18 Once that happens, after notification to the
19 respondent, the person charged, an informal hearing
20 is convened with two faculty, two students and in the
21 presence of the dean. A record is kept of that
22 informal hearing. And we have included provisions in
23 our new honor code to permit those to be videotaped
24 as opposed to audiotaped.

25 At this hearing that's conducted

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1 informally without being overly lawyered up with the
2 rules of evidence, the Honor Council makes a
3 decision. It takes three to -- A decision by a vote
4 of these three is considered a recommendation to the
5 dean. And it's overridden only if the dean considers
6 the recommendation to be clearly erroneous. If they
7 split evenly on the issue of guilt, the dean decides
8 the question. The honor code contains a series of
9 penalties and provides for this de novo appeal
10 according to the rules of the University Senate.

11 We have provisions in here about
12 confidentiality. We have provisions in here about
13 record keeping. Some of those provisions are new.
14 One of the things that we face in record keeping is
15 that when the students apply to licensure - apply for
16 licensure with the Bar, the Bar will routinely send
17 the dean questionnaires asking whether or not the
18 student has ever even been charged with an honor code
19 violation. And we have to keep a record in our files
20 even if there is an acquittal, because the student is
21 going to have to answer the same question and we want
22 to be able to go to our records, pull something out
23 and say, yes, there was a charge but there was an
24 acquittal. And that's the only way that we can have
25 something in our records to give the Bar examiners

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1 and Character and Fitness folks at the Bar, the
2 comfort that the student may have been charged but
3 was acquitted.

4 Those are the major features of the
5 honor code. Many of them are -- Most of them are
6 the same as the ones that we passed in 2000. I would
7 be happy to answer any questions.

8 CHAIR DEMBO: Professor
9 Durant?

10 MR. DURANT: David Durant.
11 Do the other professional colleges have the dean make
12 the final decision? Do those programs also have the
13 dean make the decision?

14 CHAIR DEMBO: Yes. The
15 Honor Council recommends to the dean.

16 Professor Tagavi?

17 MR. TAGAVI: It was asked
18 who decides whether this proposal is student governed
19 or not? While I assumed that was obvious we decide
20 when the proposal comes to us; the Senate decides if
21 the code is governed by students or not. These
22 students are hand-picked by the dean. And I'm sorry
23 -- I am for this but I am for this with the
24 exception which I am sorry that we are not talking
25 about now. The students are hand picked by the dean.

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1 There are two students, two faculty on the committee.
2 If they are split, the dean decides. So just imagine
3 the case that both students say one way and then the
4 dean decides or the two professors say the other way
5 and then it decides -- if the dean decides in favor
6 of the professors' side. We have a case in which two
7 students -- all the students on the code said one
8 way, the decision is made the other way, and here we
9 are deciding whether this is student governed or not.
10 I think the answer is very clear.

11 I also have to make one comment
12 regarding appointments are better than election. I
13 agree with that except that the analogy breaks; in
14 real life judges are appointed by elected people.
15 Deans are not elected. Maybe we could change that
16 but that's--
17 (Laughter)

18 But I'd like to object with the
19 proceduring. We had the area in question on the
20 floor. I think we have to decide on that. And I
21 think it would be not -- it wouldn't be wise to have
22 a code which breaks our own rule. Yes, I realize we
23 can pass conflicting rules but we are going to look
24 bad if we have conflicting rules.

25 So I'd like to ask in this procedure

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1 to go back to the original motion and either pass it
2 or defeat it. I don't think we can have a motion
3 over another motion.

4 CHAIR DEMBO: Okay. So
5 we're back to Senate Rule, the amendment to 6.6.0.

6 Professor Grossman?

7 MR. GROSSMAN: Yes. I would
8 like to suggest that this proposed amendment be
9 changed. What I would like to see is an honor - An
10 honor code may choose to allow affected students to
11 preserve their right to appeal their cases to the
12 University Appeals Board. That way, there's no
13 decision about whether it's student governed or not.
14 If the Senate feels that an honor code will not
15 represent the rights of the students sufficiently
16 well, we can reject an honor code.

17 In this particular case, if there are
18 concerns about being student governed but the honor
19 code explicitly preserves the right to appeals, then
20 it's fine. That way there's no contradiction in the
21 rules and everyone gets what they want, as far as I
22 can tell.

23 CHAIR DEMBO: So you're
24 offering an amendment. Actually, it's a substitute
25 motion?

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1 MR. GROSSMAN: A substitute
2 motion, I guess.

3 CHAIR DEMBO: Saying that
4 the honor code -- that any college with an honor code
5 may elect to offer the right of a de novo hearing by
6 the University Appeals Board. Is that the essence of
7 what you're saying?

8 MR. GROSSMAN: I would --
9 Not the college but the honor code must have -- may
10 have in it the right of affected students to appeal
11 their cases to the University Appeals Board.

12 CHAIR DEMBO: Okay.

13 MR. CIBULL: That's what
14 that's saying. They already have that right; isn't
15 that correct?

16 CHAIR DEMBO: But I think
17 what they're saying is that right now the proposed
18 law school honor code will conflict with the
19 University Senate Rule, because they are allowing a
20 de novo hearing. And Dr. Grossman's amendment or
21 substitute motion would allow the law school honor
22 code to state what it does.

23 First, is there a second to the
24 substitute motion?

25 MR. GOVINDARAJULU: I

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1 governed, as determined by the Senate during approval
2 of the honor code, then the affected student would
3 preserve the right; that we clearly specify who
4 determines if the honor code is student ran or not.
5 If you said the honor code is not student governed,
6 as determined by the Senate during the approval
7 process, then that would -- they would use it because
8 we decided from the front end. When we approve it,
9 we say this is student governed, this it not.

10 CHAIR DEMBO: So what you're
11 doing is offering an amendment to the original
12 motion?

13 MR. BERGER: An amendment to
14 the amendment to the proposed amendment.
15 (Laughter)

16 Okay. We're still discussing
17 Professor Grossman's substitute motion.

18 MR. GROSSMAN: If my
19 seconder agrees, I will WITHDRAW MY MOTION in favor
20 of his proposed rewording of this.

21 CHAIR DEMBO: Okay. All
22 right.

23 Professor Gusund?

24 MR. GUSUND: Hans Gusund,
25 Engineering.

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1 I don't think we need this. If a
2 college comes along with an honor code that we, as a
3 Senate, deem inadequate, we can simply reject it. We
4 can also amend it. So if nothing -- We don't need
5 this or any other proposal at this point, because the
6 Senate has the right to approve or reject an honor
7 code in the long run. So if the honor code offends
8 the Senate, then the Senate will reject it. So we
9 don't need anything at this point.

10 CHAIR DEMBO: If I can make
11 a suggestion.

12 Professor Kennedy? Then I'll make a
13 suggestion.

14 MR. KENNEDY: I'm trying to
15 remember. Do the words "honor code," as previously
16 defined, not say that the honor code has to be
17 student governed? Or am I getting it wrong? If
18 that's correct, then you can't then say, "if the
19 honor code is not student governed..." because it
20 isn't an honor code. I think we've -- Maybe we need
21 two types of honor codes with one--

22 CHAIR DEMBO: Can I make a
23 suggestion in the spirit of what--

24 MR. KENNEDY: --governed by
25 students. So you can't then go and say that's the

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1 honor code, "if the honor code isn't governed by
2 students," unless you define what it is.

3 CHAIR DEMBO: My suggestion
4 is this: We can in the spirit of what we're trying
5 to accomplish, approve the honor code as recommended
6 and endorsed by the faculty and the students of the
7 law school and then have our specialists, the Rules
8 Committee, take a look as to how to best word this so
9 as to accommodate the needs of other colleges while
10 being fair to the concept of what an honor code is.
11 Are there any objections to that?

12 MR. MURALIDHAR: I think the
13 problem is this. Once --

14 Krish Muralidhar, Business &
15 Economics. But once you approve it and then the next
16 amendment, you know, you turn it down, that makes the
17 -- What they've written is in contradiction.

18 I have a suggestion, if you want to.
19 Regardless of the honor code, all students have the
20 right to appeal to the University Board whether it's
21 an honor code -- they have an honor code or not. I
22 think that's fair enough. Why should the student-
23 governed, not-student-governed, you're not sure what
24 it is, let's just make it a flat out: Everybody's
25 got a right to appeal to the University level.

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1 CHAIR DEMBO: I don't have
2 the history as to how that wording came out. I would
3 like to see that myself before I voted for that. No
4 doubt it went through some thought.

5 Other suggestions about how to
6 proceed? Dr. Baldwin?

7 MS. BALDWIN: Wendy Baldwin,
8 Vice President of Research.

9 Could we -- Are we going to take a
10 vote on the proposed amendment to the language that
11 would ultimately assure that the Senate had acted on
12 whether it was actually student-run or not?

13 CHAIR DEMBO: I don't think
14 it came forward with a second; did it?

15 MS. BALDWIN: I would have
16 to second that because, in fact, passing that would
17 then allow us easily to vote on the honor code for
18 the law school.

19 CHAIR DEMBO: Was this Dr.
20 Berger's amendment?

21 MR. BERGER: From me?

22 CHAIR DEMBO: Could you
23 restate, Orlando, what--

24 MR. BERGER: From memory,
25 no. But if you put it up, I would. I said the honor

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1 code is not student governed, as determined by the
2 Senate during the approval process, the affected
3 student would reserve the right to appeal the case to
4 the University Board and be heard de novo.

5 MS. BALDWIN: That's what
6 I'm saying.

7 CHAIR DEMBO: She'd second
8 to that.

9 MS. BALDWIN: Because the
10 other aspects of this have already been through the
11 process of the Senate. And admittedly, I'm new to
12 this but I'm comfortable without not knowing the
13 history as to why that was established. On the other
14 hand, clarifying the definition of "not student
15 governed" does seem important. And then an amendment
16 there would -- the reword there really would deal
17 with that. And that would ensure this vote on the
18 honor code was a legitimate vote on the honor code
19 for the law school.

20 CHAIR DEMBO: Okay. Do you
21 all understand the amended motion?

22 MR. DURANT: Question. Call
23 for the question.

24 CHAIR DEMBO: Okay. Calling
25 for the -- to stop debate on the amended amendment to

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1 SR 6.6.0; is that right?

2 MR. DURANT: Yeah.

3 CHAIR DEMBO: Okay. So that
4 requires a two-thirds vote.

5 MR. GROSSMAN: Are you still
6 -- I have just a point of order.

7 Are we voting on the amendment to the
8 amendment or are we voting on the amended as amended?

9 CHAIR DEMBO: First, we're
10 voting on Dr. Berger's suggested change in the
11 wording. Okay?

12 MR. CIBULL: You're calling
13 the question.

14 CHAIR DEMBO: Excuse me. We
15 have to--

16 MR. CIBULL: You've already
17 called the question.

18 MR. KENNEDY: Point of
19 information. Is a motion to table in order at this
20 point?

21 MR. DURANT: No. We've
22 called the question.

23 CHAIR DEMBO: No. The first
24 thing we have to do is--

25 MR. KENNEDY: Can I ask the

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1 Parliamentarian? Is a motion to table not
2 appropriate?

3 MR. BLYTON: The motion was
4 made to stop debate. You have to take care of that
5 first.

6 MR. KENNEDY: Right. And
7 then can we have a motion to table it?

8 MR. BLYTON: Well, it
9 depends on what happens. Yes.
10 (Laughter)

11 CHAIR DEMBO: So this is a
12 motion to stop debate on Dr. Berger's amendment to
13 the proposed amendment. Do you all understand that?

14 Okay. All in favor of stopping debate
15 on that, raise your hands.

16 ("AYE" HAND COUNT: MAJORITY)

17 CHAIR DEMBO: All opposed?

18 ("NAY" HAND COUNT: MINORITY)

19 CHAIR DEMBO: Okay. So we
20 have a two-thirds. So we have stopped the debate.
21 Now--

22 MR. BLYTON: Now, you have
23 to vote on it.

24 CHAIR DEMBO: --we're voting
25 on Dr. Berger's amendment to this proposal. Okay.

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1 MR. TAGAVI: Point of
2 procedure.

3 Dr. Grossman accepted that amendment
4 as a friendly amendment. I accept that amendment.
5 Well, I cannot accept it because I did not--

6 MR. CIBULL: We have to
7 vote.

8 CHAIR DEMBO: Mr. Grossman
9 withdrew his motion.

10 Okay. So all in favor of Dr. Berger's
11 amendment, raise your hands.

12 ("AYE" HAND COUNT: MAJORITY)

13 CHAIR DEMBO: Okay. All
14 opposed?

15 ("NAY" HAND COUNT: THREE)

16 CHAIR DEMBO: And three
17 opposed.

18 All right. Now, we return to the
19 discussion of the amended amendment to Senate Rule
20 6.6.0.

21 MR. CIBULL: We just passed
22 it.

23 CHAIR DEMBO: No, we passed
24 amending what the original amendment was. Now--

25 MR. TAGAVI: Question.

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1 CHAIR DEMBO: Okay. You're
2 calling for a question to stop debate on this
3 amendment as changed. Okay?

4 LAW STUDENT: There was a
5 motion to table the whole thing just now.

6 CHAIR DEMBO: He asked -- I
7 think he asked about making the motion.

8 Okay. All in favor of stopping debate
9 on this amendment, signify by raising your hands.
10 ("AYE" HAND COUNT: MAJORITY)

11 CHAIR DEMBO: All opposed,
12 raise your hands.

13 ("NAY" HAND COUNT: ONE)

14 CHAIR DEMBO: Okay. One.

15 All right. So now we are voting on
16 the amended amendment as stated by Dr. Berger. Is
17 there a point--

18 MS. BALDWIN: Would you
19 please state that for us.

20 CHAIR DEMBO: Okay.
21 Stephanie, do you have enough of it written down?

22 COURT REPORTER: I'm not
23 sure I can find it, Jeff. Can Dr. Berger restate it?
24 It will take me a while to find it.

25 MR. BERGER: Yeah, I can

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1 restate it.

2 If the honor code is not student
3 governed, as determined by the Senate during the
4 approval process, the affected students preserves
5 their right. So it clearly determines -- It
6 specifies who determines that the affected students
7 preserve their right to appeal.

8 MR. CIBULL: You're missing
9 the words "during the..."

10 MR. CIBULL: Yeah. During
11 the approval process.

12 CHAIR DEMBO: By the Senate
13 during the approval process. Is that correct, Dr.
14 Berger?

15 MR. BERGER: There's one
16 more Senate.

17 MS. BALDWIN: You can kick
18 out that second Senate.

19 MR. CIBULL: There's
20 definitely one more Senate than there needs to be.
21 (Laughter)

22 CHAIR DEMBO: Okay. So this
23 is what we're voting on. We have stopped debate. We
24 have the correct motion here.

25 All in favor of amending the Senate

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1 Rule 6.6.0., raise your hand.

2 ("AYE" HAND COUNT: MAJORITY)

3 CHAIR DEMBO: All opposed.

4 ("NAY" HAND COUNT: THREE)

5 CHAIR DEMBO: One, two,
6 three opposed. Okay.

7 The rule is amended as proposed. Now,
8 we get to accepting the law school honor code. Is
9 there any other discussion about the law school honor
10 code?

11 MR. YATES: Have we
12 determined during the Senate process--

13 CHAIR DEMBO: Identify
14 yourself, please.

15 MR. YATES: Steve Yates.
16 Arts & Sciences.

17 Have we determined during the approval
18 process whether this is student run or student
19 governed? You just put it into the rules. How can
20 we approve it if we haven't determined that?

21 MR. GROSSMAN: I **MOVE** that
22 the Senate states that the law school's honor code,
23 as proposed, for purposes of this discussion is not a
24 student governed honor code.

25 MR. BERGER: I **SECOND**.

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1 CHAIR DEMBO: Discussion?

2 LAW STUDENT: I would offer a
3 friendly amendment. It's the College of Law, not the
4 law school.

5 (Laughter)

6 CHAIR DEMBO: So are you
7 wanting, Dr. Grossman, to append that to an
8 acceptance? Or do you want that to be part of the
9 motion to accept the College of Law's honor code and
10 to recognize that it's not student governed?

11 MR. GROSSMAN: Let's combine
12 those two, like you said.

13 CHAIR DEMBO: Okay. Will
14 you still second that, Professor Berger?

15 MR. BERGER: Yes.

16 CHAIR DEMBO: Okay. So the
17 motion is to accept the College of Law's honor code
18 and to recognize it is not a student governed honor
19 code. Any other discussion? (No response.)

20 All in favor, raise your hands.

21 ("AYE" HAND COUNT: UNANIMOUS)

22 CHAIR DEMBO: All opposed?

23 ("NAY" HAND COUNT: NONE)

24 CHAIR DEMBO: Okay. It's
25 unanimous. Thank you very much.

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1 Dr. Baldwin, thank you so much for
2 your help. We'll just get to your item right away.

3 (Laughter)

4 In the Agenda is a proposal for a
5 Center For Research on Violence Against Women.

6 I'll give you a little history. It
7 looks like this made the news somewhere in the early
8 fall and there's been participation from the state
9 government and from our administration. The proposal
10 provides a variety of potential things, providing an
11 infrastructure, cross-disciplinary work, access to
12 extramural funding, national research agenda, an
13 annual research conference, areas of concentration,
14 maybe developing a graduate certificate, and furthers
15 the mission of the Patton administration to address
16 the welfare of women victimized by violence.

17 This was gone through very quickly.
18 You'll have the chance to ask Ms. Jordan and Dr.
19 Baldwin questions if you'd like. It's been through
20 the Senate Committee on Academic Organization and
21 Structure.

22 Dr. Chard, would you like to comment
23 on what your Senate Committee thought?

24 (PowerPoint presentation)

25 MS. CHARD: You can see our

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1 recommendations. We did discuss this proposal at
2 great length in our last meeting. And while the
3 committee agreed that this is definitely a worthy
4 venture, and you did vote unanimously to support the
5 center, we did notice that this center proposal was
6 not widely circulated throughout the University
7 faculty and staff as a whole, and that that was a
8 potential limitation of the proposal, that if this
9 had a broader circulation base, that we could have
10 had other faculty who perhaps had expertise in this
11 area join and be on a board of directors or governing
12 body, or even a center creation body.

13 And that one of the recommendations we
14 had is that the people who are involved in creation
15 of this center, which has gone very, very quickly,
16 much faster than a typical center that would have
17 been proposed for creation then we wouldn't have been
18 able to write these recommendations. This thing has
19 already moved forward. There already is a governing
20 body over this.

21 What we're recommending is that they,
22 the people who are involved in that, put out maybe a
23 broader based e-mail just so the people who are doing
24 interpersonal violence research at the University get
25 those people involved in the creation of the center

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1 while it's still at its very beginning point. Thank
2 you.

3 Any questions for us or comments from
4 the committee?

5 CHAIR DEMBO: Then the
6 Senate Council considered the proposal and Kate
7 Chard's committee and voted to put it forward to the
8 Senate with a positive recommendation. So it's on
9 the floor now for discussion and to ask questions.

10 MR. CANON: Brad Canon,
11 Political Science.

12 Where is the center going to be
13 located organizationally?

14 MS. WALDHART: The Center
15 will -- I'm Vice President for Research and the
16 Center will report to me. I think that a very --
17 I've come in very recently. So I'm even newer than
18 the Center. But I view the center as an excellent
19 example of the kind of energy that we've had between
20 the University and the Legislature, an opportunity to
21 support an interdisciplinary activity and one easily
22 to accommodate the recommendation of broader faculty
23 involvement. There has been faculty involvement and
24 faculty members on the Advisory Committee. But we
25 certainly take that as a very friendly gesture to make

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1 that even broader. There are a number of centers that
2 report to me.

3 CHAIR DEMBO: Professor
4 Michael?

5 MR. MICHAEL: Doug Michael,
6 College of Law.

7 I apologize for my dimwittedness. I'm
8 not clear, though I read the entire thing that was
9 placed on the web site and these meeting minutes that
10 were just discussed, what we're being asked to do,
11 other than specifically we're being asked to have a
12 list of currently involved faculty amended to the
13 proposal before it comes to the Senate again. Did
14 that happen? What are you asking? What is on the
15 floor here to be voted on, assuming this is an action
16 item, as you said-

17 CHAIR DEMBO: Yes. On the
18 whole proposal for establishing a Center for Research
19 on Violence Against Women.

20 MR. MICHAEL: Was that in
21 the record before the Senate? What I -- You gave us
22 on our web page a report from the center. Is there a
23 sentence somewhere that says the council recommends
24 that the Senate approve that this center be
25 established and then as to where and how? I mean,

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1 I'm lost. Are we just broadly endorsing the concept
2 of establishing the center or what?

3 CHAIR DEMBO: No. The
4 Senate, as the faculty of the University, recommends
5 to the president, who goes to the board of trustees
6 for establishing a change in organization and
7 structure.

8 MR. MICHAEL: So we are --
9 Our action is recommending to the president that this
10 center be established?

11 CHAIR DEMBO: Yes. And the
12 president, we're recommending to him, as the chair of
13 the Senate, which goes to the board of trustees.

14 Professor Dwyer?

15 MS. DWYER: Roberta Dwyer,
16 College of Ag.

17 Under funding, it says, ..."committed
18 by the governor." What does that mean?

19 (Laughter)

20 CHAIR DEMBO: These days not
21 very much, probably.

22 (Laughter)

23 Ms. Jordan, would you like to help us
24 out?

25 MS. JORDAN: Thank you.

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1 Yes, very much.

2 We have about \$250,000 in the fiscal
3 year '03 budget that has already been committed to
4 the centers for primarily research projects and a
5 national research project that we would use, UK
6 faculty and faculties from universities around the
7 country next October. Then we would have recurring
8 state general funds committed to the Center effective
9 this coming July. It could be approximately
10 \$300,000.

11 CHAIR DEMBO: Professor
12 Cibull?

13 MR. CIBULL: I'll go one
14 further. So no money will be diverted from any
15 existing University program or center to support
16 this; is that correct?

17 MS. JORDAN: The idea would
18 be we'd have primarily three major funding sources.
19 One, there's a desire to build an endowment. In
20 fact, the advisory committee is looking at that, as
21 well as the First Lady has been participating in fund
22 raising. We have about \$425,000 pledged so that the
23 Center go forward. So the endowment will be helpful
24 in funding research projects, the state general fund
25 recurring dollars and then, of course, we'll be

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1 interested in going after federal research money, as
2 well.

3 CHAIR DEMBO: Other
4 questions?

5 MR. GROSSMAN: Yeah.

6 CHAIR DEMBO: Professor
7 Grossman?

8 MR. GROSSMAN: Yeah. I'm
9 sorry for beating it up. But I still don't
10 understand.

11 You said money was pledged in a
12 budget. Whose budget? Is this -- Is there a budget
13 that's been passed that I don't know about?
14 (Laughter)

15 MS. JORDAN: I wish. There
16 is a budget right now that has gone over from the
17 governor; it is currently before the House of
18 Representatives. The funds for the center are in
19 that proposed budget, yes. It has not been passed by
20 the General Assembly yet. That could pass at the
21 latter part of March but it is in the budget at
22 present.

23 MR. GROSSMAN: Is there a
24 provision for what will happen if that budget is not
25 passed or if that money is not in the budget when it

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1 is passed? Because from what I read in the papers,
2 there's not much chance of that budget getting
3 passed, as proposed.

4 MS. JORDAN: We would
5 probably use the existing mechanism for funding the
6 center, which is by MOA and contracts, so the funds
7 would continue to be available for the center. But
8 what we'd prefer to do is have it in the line item
9 and then line item to the University of Kentucky
10 budget, which would give it more stability. But the
11 funds have been set aside, designated by the
12 governor, for this purpose. So they would be
13 available.

14 MR. GROSSMAN: What is MOA?

15 MS. JORDAN: I'm sorry.

16 Memorandum of agreement to the UK Research Foundation
17 from state government. That's a typical mechanism by
18 which funds flow from state government to the
19 university for the purpose of research.

20 CHAIR DEMBO: Other
21 questions? Professor Debski.

22 MS. DEBSKI: Liz Debski,
23 Biology.

24 I was wondering why you didn't call
25 it, like, Center for Prevention of Violence Against

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1 Women.

2 MS. JORDAN: Ultimately,
3 that would be the goal and you probably raised a good
4 point in that respect. I think, though, what we are
5 looking at is intervention, as well. And, I think,
6 as I look around the university in terms of the
7 strengths that the number of the faculty bring has to
8 do with mediating the effects of violence that has
9 happened. Ultimately, we would hope that that would
10 have everything in the world to do with ending it
11 going on. But I think that that's where our focus
12 is, on outcome, research related to intervention,
13 legal aspects, public policy aspects, that kind of
14 thing.

15 CHAIR DEMBO: Any other
16 questions? (No response.)

17 So the proposal on the floor is to
18 approve the Center for Research on Violence Against
19 Women. All in favor of the Center proposal, say aye.

20 ("AYE" VOICE VOTE: UNANIMOUS)

21 CHAIR DEMBO: All opposed?

22 ("NAY" VOICE VOTE: NONE)

23 CHAIR DEMBO: Okay. Thank
24 you very much.

25 We have three more items; two

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1 hopefully short ones and one that will take a little
2 bit longer.

3 The next item is coming from Lexington
4 Community College. LCC underwent the SACS
5 accreditation visit as did UK. And there was a
6 particular statement that was made by SACS saying
7 that the institution was asked to clearly identify
8 its program offerings and functions, because it was
9 not always clear that LCC has the responsibility and
10 authority for all of its educational offerings. So
11 in other words, SACS wants it to, in some sense, is
12 have LCC divest itself from its relationship with UK
13 with regards to certain programs.

14 So what LCC wants to do now, through
15 its Academic Council, is to be the final arbiter on
16 specific courses and programs, namely the technical
17 ones, and the certificates that come from LCC. This
18 is different from what we have now, as I'll point out
19 in our rules in just a second. They want to have
20 authority over the technical programs and the
21 certificates so it wouldn't have to come through the
22 Senate for approval.

23 LCC also hastens to add that this
24 would not diminish the growing collaboration between
25 departments across campus and especially with

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1 transferable pre-baccalaureate curricula.

2 So there are several rules that this
3 applies to. Right now, Senate Rule 3.3.0. talks
4 about how courses and course changes are approved.
5 And this goes through the Senate. This is why you
6 get all those incessant mailings from us saying, will
7 you please take a look at this and if there are any
8 objections, please let us know.

9 What this would do is, with the yellow
10 amendment at the bottom, it is saying that technical
11 courses from LCC will be official when approved by
12 their academic council and they'll be circulated from
13 information only. So, in other words, it would take
14 the Senate out of the loop on these and it would tell
15 SACS that LCC has the autonomy that SACS is looking
16 for.

17 I'd like to pool these together
18 because they're all very similar. Another one is
19 Processing Academic Program and Changes. Right now,
20 under "Approval by Senate Council," new degree
21 programs require feasibility. An amendment to this
22 under "technical degree programs" would require
23 feasibility only from the office of the president of
24 LCC and not from the president of UK.

25 Another rule, Processing Academic

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1 Programs and Changes, the same thing, adding an
2 amendment saying the final decisions on programs and
3 certificates will rest with LCC alone. I think
4 that's it. No, there's another one, as well. So
5 these all say basically the same thing. And there's
6 one more thing that this will include. Since we're
7 talking about technical courses and programs, that
8 needs to be defined. And Section IX of the Senate
9 Rules is actually the glossary. And so this would
10 also include adding this statement to the glossary of
11 what technical courses and programs are; that is,
12 those leading to a two-year Associate of Applied
13 Science degree, or a certificate with direct entry
14 into the workforce.

15 So this is on the floor as accepted by
16 the Senate Council. Is there anybody from LCC who
17 wants to add to this?

18 MS. KERRY: I'm Sandra
19 Kerry, Interim Dean of Academic Affairs.

20 COURT REPORTER: Your name
21 again, please? I'm sorry.

22 MS. KERRY: I'm sorry.
23 Sandra Kerry, Interim Dean of Academic Affairs in
24 Health & Safety.

25 I also directed the SACS self-study

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1 and there were numerous responses. So that if you'd
2 like any clarification, that's why I'm here.

3 CHAIR DEMBO: Are there any
4 questions about the intent of these proposed rules
5 changes?

6 MR. BERGER: Can I ask a
7 question just for clarification? Does LCC offer
8 courses and programs that would not fit into this
9 definition?

10 MS. KERRY: We have -- Two-
11 thirds of our students are pursuing a pre-
12 baccalaureate degree and they take the same UK
13 courses in writing here. Those courses are not
14 involved in this proposal.

15 MR. BERGER: So those would
16 still be -- So they would be like on track -- Those
17 courses are not going to be-

18 MS. KERRY: Yes. Yes. And
19 we will still maintain our connection in the sense
20 that we very much are in favor of. But we're trying
21 to show some sense of autonomy. In fact, none of UK
22 students take the technical program courses. It's
23 completely separate.

24 CHAIR DEMBO: So to take
25 that a step further, if some -- If one of your

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1 colleges wanted to change a Math 152 course, that
2 would go through the Senate?

3 MS. KERRY: Yes.

4 Absolutely. And work through the division through
5 Undergraduate Council, just as it would now.

6 CHAIR DEMBO: Any other
7 questions for Professor Kerry?

8 MR. GREASLEY: Phil
9 Greasley, University Extension.

10 Is there any implication of those
11 technical courses in light of the state transfer
12 agreements that certain courses will be accepted as
13 other courses?

14 MS. KERRY: The technical
15 programs operate separately from UK. Are you asking
16 about the gen ed transfer?

17 MR. GREASLEY: Uh-huh.

18 MS. KERRY: Yeah. It would
19 not be affected by the gen ed transfer. Our general
20 education courses are in the Undergraduate Council
21 Senate process. These are strictly technical courses
22 designed for preparation for a career at the end of a
23 two-year degree, an Associate of Applied Science
24 degree that gets you workplace ready.

25 CHAIR DEMBO: Other

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1 questions? Professor Steiner?

2 MR. STEINER: Steiner,
3 Biology.

4 What degree does the individual get
5 from these -- Does it have University of Kentucky on
6 their degree in any form?

7 MS. KERRY: Our logo -- Our
8 title is "The University of Kentucky, Lexington
9 Community College." And they get an Associate of
10 Applied Sciences degree.

11 MR. STEINER: But with the
12 logo of the University of Kentucky?

13 MS. KERRY: But with the
14 logo, Lexington Community College.

15 MR. STEINER: In addition?

16 MS. KERRY: Right.
17 University of Kentucky, Lexington Community College.

18 CHAIR DEMBO: Dr. Staben,
19 did you have a question?

20 MR. STABEN: No.

21 CHAIR DEMBO: Okay.

22 Professor Edgerton.

23 MR. EDGERTON: Edgerton, the
24 College of Agriculture.

25 The definition talks about leading to

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1 a two-year degree. Are there any courses that serve
2 multiple purposes not only leading to a two-year
3 degree but also are transferable to the University?
4 In other words, do we need to say that these are
5 courses that exclusively lead to a two-year degree?

6 MS. KERRY: The reason we
7 didn't say exclusively is that at this point the
8 University of Kentucky accepts up to six hours of
9 community college captioned courses for a student
10 transferring here. If the student got an Associate
11 of Applied Sciences degree, six of those hours -- Is
12 that what you're asking me? So do we want to say
13 exclusively or not? That would eliminate those six
14 hours.

15 MR. EDGERTON: I guess the
16 question is, does LCC have exclusive right to make a
17 decision on courses that might serve multiple
18 purposes?

19 MS. KERRY: Well, it's the
20 receiving school who would decide to take it or not.
21 Do you see what I'm saying?

22 MR. EDGERTON: I think I
23 understand that. But I don't think we want to give
24 exclusive leeway to LCC for courses that we are going
25 to accept here if the course is already -- Well,

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1 such as English 101, is that part of this two-year
2 program?

3 MS. KERRY: No. That's --
4 See, that's gen ed. That's not included in this
5 proposal at all. This would be for our 14 technical
6 programs and the technical courses composed of that,
7 not in their gen ed component. Anything that's part
8 of their gen ed component would be covered under the
9 same undergraduate council format that flows right
10 through the Senate as the rest of our proposals.
11 Does that clarify--

12 MR. EDGERTON: And those gen
13 ed courses are not part of the--

14 MS. KERRY: Are not part of
15 this and not included in the definition of a
16 technical course and programs, yes.

17 MR. EDGERTON: Thank you.

18 MS. KERRY: Those are
19 completely separate.

20 CHAIR DEMBO: There was a
21 question in the back?

22 MR. BEELER: Yes. Chad
23 Beeler, Chemistry at LCC.

24 I think that -- I was just going to
25 clarify. Some technical programs might require you

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1 to take English 101 but this rule does not allow us
2 to change English 101 independent of going through
3 the big UK process.

4 MS. KERRY: Nor would we
5 want to.

6 CHAIR DEMBO: Any other
7 questions or comments?

8 MS. JENG: Ling Hwey Jeng,
9 Communications & Information Studies.

10 My question is, is there a clear
11 distinction -- In terms of an administrative
12 process, is there a clear distinction between the
13 course proposals for this particular Applied Science
14 degree and course proposals that are not in this
15 degree?

16 MS. KERRY: Yes. These
17 would be generated at LCC.

18 MS. JENG: And what about
19 the general courses like LLC English 101?

20 MS. KERRY: They go through
21 your process.

22 MS. JENG: Yeah. And so do
23 they come from two different offices or do they come
24 from the same office? I guess the reason I'm asking
25 is that it is easy to distinguish this, too, right

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1 now on paper or on screen-

2 MS. KERRY: No. They would
3 never be intermingled, because the technical programs
4 exist exclusively to award an Associate of Applied
5 Science degree.

6 Our Associate of Arts degree, the two-
7 year degree that serves as the first two years of a
8 possible four-year degree, our Associate of Science
9 degree that exists in the same component to lead to a
10 four-year degree, our pre-bac program follows the
11 regular flow of University studies that any course at
12 the University of Kentucky would. It's just the
13 technical courses leading to workplace readiness that
14 this concerns.

15 MS. JENG: The reason I
16 asked that question is that it is easy to approve
17 something that's more like a special process but it's
18 not easy to make sure the implementation is always
19 clear. And especially if the two programs are
20 administered by the same group of people, then it
21 will go -- almost be the opposite.

22 MS. KERRY: There's no
23 overlap at all. I mean, even the faculty in the
24 technical programs are not faculty in the gen ed
25 programs.

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1 CHAIR DEMBO: Professor
2 Tagavi?

3 MR. TAGAVI: Just to give
4 added comfort to not LCC -- UK people. I think --
5 correct me if I'm wrong. LCC, if they want to change
6 English 101, even to go through this process, they
7 cannot initiate the change. Only the English
8 department. Mechanical Engineering cannot initiate
9 the request to change English 101. Only the English
10 department could do that. And English department is
11 not part of LCC.

12 MS. KERRY: Thank you.

13 CHAIR DEMBO: Other
14 questions? (No response.)

15 So what you'll be voting on is
16 addition of this term, this definition to the
17 glossary, changes in 3.2.0. and 3.3.0. as indicated.

18 All in favor, signify by saying aye.
19 ("AYE" VOICE VOTE: UNANIMOUS)

20 CHAIR DEMBO: All opposed.
21 ("NAY" VOICE VOTE: NONE)

22 CHAIR DEMBO: It's
23 unanimous.

24 The next item should be very short.
25 These are a few rules changes that were recommended

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1 by our Rules & Elections Committee under the
2 direction of Professor Canon. The first one -- I
3 would like to lump these together. They should be
4 straightforward.

5 The first one is to add a line to the
6 election process for faculty to the Senate saying
7 that: The election shall be conducted by secret
8 ballot by a procedure approved by the faculty of that
9 college and submitted to the Senate Council office.
10 The idea was that colleges should be able to be
11 forthright about what the process is by which faculty
12 are elected and to assure that it's by secret ballot.

13 The second one is to define the fact
14 that the Senate Council chair has traditionally
15 presided over Senate meetings. And this was to
16 codify what has been the practice for a number of
17 decades. It would involve changing a few of the rule
18 numbers because this is adding or changing 1.2.4.2.
19 Also, it adds under the "Secretary" the fact that the
20 Secretary in the absence of the Senate Council chair
21 would be the presiding officer.

22 The next one was proposed to assure
23 compliance with Open Meetings law. And basically,
24 aside from some wording changes, it talks about that
25 the white is what already exists, the yellow is to be

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1 added, and the bracketed is to be deleted. The
2 Senate and its councils and committees shall be open
3 to the public. Again, the Senate Council or
4 committee may declare itself in executive session,
5 thereby exclude all visitors by a majority vote of
6 the members present subject to the limitations of
7 Open Meetings law.

8 And I think the last one is to add to
9 the "Structure of Senate Committees" saying that
10 Senate committees need to be compliant with Open
11 Meetings law by recording the minutes and that should
12 be available no later than one week. The committee
13 chair is the responsible party. The minutes may be
14 an addition or may substitute for the annual report.
15 And if there's no meetings, then there still has to
16 be an annual report to that effect given to the
17 Senate Council.

18 So we have one, two, three, four
19 proposed rules changes. Any questions about any of
20 those?

21 Professor Jones?

22 MR. JONES: What does the
23 word "submitted" contemplate? Is there still an
24 approval of the Senate Council on it? Submitted for
25 approval, is that what that means; or just a

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1 complimentary copy going to the Senate Council
2 office?

3 CHAIR DEMBO: This is at the
4 bottom of this one. The election process is what
5 you're referring to?

6 MR. JONES: Yeah, in the
7 yellow there.

8 CHAIR DEMBO: I think the
9 idea -- correct me if I'm wrong, Professor Tagavi --
10 was just so that colleges should know that there is
11 some oversight at some level to assure that secret
12 ballot elections are being conducted properly.

13 Brad, was there anything else that
14 your committee discussed there?

15 MR. CANON: No. In further
16 answer to your question, as you remember, two years
17 ago the Senate sort of evolved, the election of
18 senators, onto the college. And last year we got a
19 complaint from B&E that the elections were not
20 secret. And the Rules Committee responded to this by
21 putting in the provision for secret ballots and the
22 procedure from the college. But we don't really want
23 to get back into the position of supervising the
24 colleges. This is what we got out of. So it would
25 be on file, but we would not be actually engaged in

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1 it.

2 CHAIR DEMBO: Any other
3 questions about any of these proposed changes?

4 MS. KERRY: So what would be
5 submitted? Ballots and procedure?

6 MR. CANON: The procedure.

7 CHAIR DEMBO: The election
8 procedure so that we would know or you, a member of
9 the community, could find out how the College of
10 Health Sciences elects its own senators.

11 Other questions? (No response.)
12 Okay. So it's on the floor because it's sent forward
13 from the Senate Council. All in favor of these
14 recommended rule changes, say aye.

15 ("AYE" VOICE VOTES: UNANIMOUS)

16 CHAIR DEMBO: All opposed.

17 ("NAY" VOICE VOTE: NONE)

18 CHAIR DEMBO: Okay. It's
19 unanimous.

20 Now, what you've all been waiting for.
21 There is no easy way to do this to get through the
22 rest of the business any more quickly. I want to
23 give you a very brief chronology to the Task Force
24 Report on Medical Center Organization. But I want to
25 give you some background as to why we're considering

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1 this.

2 In the governing regulations, the
3 board of trustees relies upon the advice of the
4 Senate, along with that of the president regarding
5 recommended changes in organizational structure.
6 Also, the faculties of departments have innate
7 responsibilities for things like academic
8 requirements, graduate and research programs and
9 service functions. The president, while responsible
10 for fostering and promoting instruction, research and
11 service, it's still the board of trustees and the
12 University Senate that are recognized as the primary
13 educational policy-forming agencies of the
14 University.

15 Now, ultimately, if the Task Force
16 report is approved, it will eventually be enacted
17 through changes in the governing regs. To amend or
18 to change the governing regs, it requires the
19 University Senate, among other groups, to have the
20 opportunity to recommend on all amendments before
21 final action by the board. So regardless of what
22 your action is on this Task Force report, regardless
23 of what the president or the board of trustees do
24 with it, ultimately, the Senate will be involved once
25 again with any recommendations to changing the

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1 governing regs to reflect the Provost Model. That's
2 the background of why you're here talking about it.

3 Chronology of events: July of '02 the
4 Task Force was appointed. Fall of '02, multiple open
5 meetings and forums. There were visitations to other
6 medical centers. The final recommendations were
7 given to the president just before Thanksgiving. In
8 December the president sent an e-mail saying that he
9 accepted the report in principle, pending review and
10 recommendations by the University Senate and asked
11 that we expedite its consideration.

12 At the end of the semester, the Senate
13 Council met to consider the report to figure out how
14 we were going to route it. The Senate Council
15 decided it should go to two bodies, the Senate
16 Committee on Academic Organization and Structure,
17 Kate Chard is the chair; and the Academic Council of
18 the Medical Center, which is also a Senate committee.
19 It is chaired by Phyllis Nash. She deferred and
20 asked Sharon Stewart from the College of Health
21 Sciences to chair the committee for that particular
22 discussion.

23 Early January I sent a letter to all
24 Medical Center college councils and the chairs of
25 these committees giving them the background, telling

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1 them what was expected and to try to enumerate the
2 various areas of the Task Force that were
3 particularly academic in nature.

4 At the end of January, the Senate
5 Council met, considered all the reports from all the
6 colleges, which you may have seen on the web site,
7 and the reports of these two committees. The Senate
8 Council voted to add something to the executive
9 summary, which I have available if you want to see
10 it, and to send everything to the University Senate
11 for today's discussion without recommendation, and to
12 include the reports, six college reports, and all
13 that stuff that you may have found on the web. So
14 it's on the floor now, without a recommendation, for
15 the Senate to discuss.

16 I can do one of several things, if you
17 want me to. I can talk about the essential parts of
18 the Task Force report that are clearly academic in
19 nature. I can talk about the executive summary,
20 which enumerates the various aspects that were
21 commonalities that kept on coming up time and time
22 again. But before I do that, I just want to let you
23 know what options you have right now. You can, as I
24 said, either vote to accept the report; you can vote
25 to reject the report; you can neither accept nor

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1 reject it but make recommendations and send it to the
2 president with your recommendations.

3 So how can I best help you now to
4 discuss this? I would like to eventually call on
5 Kate Chard and -- I don't know, is Sharon here? (No
6 response.)

7 This may be a good time, Kate, to come
8 up and talk about what your committee found when they
9 evaluated it.

10 MS. CHARD: Okay. Well,
11 thank you.

12 (PowerPoint presentation)

13 We're got four points that we really
14 thought were central to the mission of our committee.
15 And let me back up by giving another part of our time
16 line.

17 With the assistance of Dr. Dembo, we
18 did solicit information from all of the parts of the
19 medical college, including Phyllis Nash's office.
20 And some of the workings of her office were going to
21 be potentially changed by this Task Force report.

22 After we received those e-mails, you
23 see our response in letter A. There was enough
24 ambiguity in the Task Force report that we felt it
25 was very difficult to answer many of the questions

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1 that we received in the e-mails and that we could not
2 understand whether the Task Force report was going to
3 respond to these questions.

4 And what we've strongly recommended is
5 that this new implementation committee that the Task
6 Force report is suggesting creating, that we forward
7 all of these e-mails to that implementation committee
8 and we make it their charge to respond to these key
9 figures in the medical college as to how they're
10 going to implement some of these changes. Okay? So
11 that was the big number one.

12 Below that, though, we have three
13 other suggestions. And the first was promotion and
14 tenure. Currently, it is our understanding that for
15 non-clinical and clinical faculty in the college,
16 they all go to the same governing body. They don't
17 go to just a dean for decisions about promotion and
18 tenure.

19 The suggestion in the Task Force
20 report is that we take people who are in the clinical
21 lines and the decisions for P&T are made by the dean.
22 We did not think that was a good idea. This area
23 committee currently has clinical and non-clinical
24 faculty on it. There would need to be no changes
25 made to this area committee. We thought it should

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1 stay with a decision being made by the area
2 committee, but then diverting the decisions after
3 that to either this new vice president or the
4 provost, depending on whether it was a non-clinical
5 or a clinical faculty member. Okay?

6 Next, C. We did talk about the fact
7 that Phyllis Nash's office is very important, that
8 what she does is very important. And part of this is
9 because clinical training can be very different from
10 non-clinical training. And, right now, her office
11 does a very good job of orchestrating training in
12 both of those realms. And so we know that there may
13 be a need to dissolve the position currently in the
14 med center. But then we thought there at least should
15 be a person who is in the provost office who can
16 liaison with the med center to maintain all of the
17 personnel that go towards both clinical and non-
18 clinical training. I don't want to go too fast.

19 Last. We also noted that several of
20 the e-mails we received highlighted the concern about
21 the upheaval going on in the College of Medicine.
22 And that while medicine is in upheaval, so too are
23 all the other colleges. With the dean now leaving
24 and there being a current search for a new dean, we
25 heavily recommended that this new dean be not just a

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1 business person but also a clinician, someone who
2 could have as part of their goal the retention of the
3 current faculty in the College of Medicine, but also
4 obtain high-quality clinician faculty members into
5 the College of Medicine.

6 And so those were our main
7 recommendations. We did not vote to approve this or
8 not approve it. We just made recommendations and
9 suggested forwarding those on to the IC and to the
10 Senate Council.

11 Any questions for me or committee
12 members?

13 MS. GONZALEZ: Lori
14 Gonzalez, College of Health Sciences.

15 I don't know that it will change your
16 recommendation. But I think that the statement about
17 the clinical faculty had to do with clinical title
18 series faculty who are not in a tenure and promotion
19 line. They're not in a tenure-track position.

20 MS. CHARD: I don't know if
21 that will change our position. We can, obviously, go
22 back and talk about it. But we were very concerned
23 about deans having total decisions over people in the
24 college, and not having review of performance done by
25 an advisory committee. But we can take that back at

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1 your recommendation and discuss that further.

2 MS. GONZALEZ: I'm just
3 saying that I think that the Task Force said for the
4 appointment of those clinical title series people.
5 That's the only point that something is done.

6 MS. CHARD: That's the
7 only...

8 CHAIR DEMBO: Professor
9 Bailey?

10 MR. BAILEY: No. Kate
11 cleared that up.

12 CHAIR DEMBO: Any other
13 questions for Kate?

14 MR. PERRIER: Yeah. Just a
15 point. What did you mean by clinical faculty?
16 Because there's a special title series, Clinical
17 Faculty, and there's clinical faculty. So that was
18 going to be important as to what's meant by that.

19 MS. CHARD: And I think that
20 was one of the issues is that both were brought up in
21 e-mails, is that they wanted to protect both of
22 those, depending upon who was e-mailing.

23 COURT REPORTER: Could I
24 have your name, please?

25 MR. PERRIER: Don Perrier,

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1 College of Medicine.

2 CHAIR DEMBO: Ernie?

3 MR. BAILEY: Ernie Bailey,
4 College of Agriculture.

5 Currently, all of the faculty in the
6 Medical Center go through the -- I don't remember the
7 title. I'm not in committee but--

8 CHAIR DEMBO: Medical Center
9 Clinical Sciences Area Committee.

10 MR. BAILEY: Area Committee.
11 And so we have regular title series, special title
12 series, clinical title series. Am I missing one?

13 CHAIR DEMBO: Research?

14 MR. BAILEY: Research title
15 series, yes. All those go through that committee.
16 And our reading of the proposal was that clinical
17 title series would be excluded from that process.
18 And our recommendation was that they not be excluded,
19 that they continue to go through that committee, and
20 that that committee then make the recommendation to
21 the Medical Center vice president.

22 CHAIR DEMBO: All right.

23 The original report, section 1(f) was where it talked
24 about the clinical title series faculty going through
25 the dean to the EVPHA without the provost review.

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1 And I think the intent was to streamline the system
2 should faculty need to be hired quickly or in a very
3 competitive environment.

4 MR. BAILEY: But that's not
5 the case in a promotion situation. There's no urgent
6 time there. I mean, you could have a dean bottling
7 up somebody from being promoted. Without the Area
8 Committee, it won't be seen but every six years.

9 CHAIR DEMBO: And I wasn't
10 defending it. I was just saying what the rationale
11 was, as I understood it.

12 MR. GOVINDARAJULU:: I just
13 wanted to have some clarification. Last time when I
14 saw the report of the Task Force Committee, there was
15 something about the budget. The College of Medicine
16 has a budget that was not under the provost; it was
17 under the chancellor or the vice president or
18 someone. Has there been a change?

19 CHAIR DEMBO: Professor
20 Cibull?

21 MR. CIBULL: In the old
22 system, the budget was through the chancellor. In
23 the new system the budget has been split. The
24 academic budget, as I understand it, is through the
25 provost. And, predominantly, the College of Medicine

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1 hospital budget is through the EVPHA, while the other
2 members of the Medical Center budget is still through
3 the provost. I believe that there is a recommended
4 change that the clinical activity of those other
5 colleges also be sort of routed through the EVPHA.

6 I think that my big problem with this
7 -- And I'll tell you, I think that all the points
8 that were made by Dr. Chard's committee and the other
9 committees and all the other people that have looked
10 at this are all good points and I would support them.
11 I would vote for each one of those individually and
12 then I would vote against this proposal. I do not
13 personally think that this is a good thing for the
14 Medical Center. And the reason I don't think it's a
15 good thing for the Medical Center is because it
16 splits responsibility between two people. And the
17 proposal does not in any way clarify how that
18 responsibility will be delegated, how the authority
19 and responsibility will be delegated.

20 As my chairman so eloquently put it,
21 not necessarily about this, but the best way to
22 starve a dog is to ask two people to feed it.
23 (Audience laughs.) And you have two people who are
24 sharing responsibility.

25 It is particularly a problem in the

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1 College of Medicine because the vast majority of the
2 College of Medicine faculty have clinical
3 responsibilities. And I'm not talking about clinical
4 title series. I'm talking about, no matter what
5 title series they're in, they are practicing
6 physicians. And how are they going to separate their
7 physician roles -- which is also a teaching role
8 because you teach medical students by being a
9 physician so it's actually also academic -- from
10 their academic roles? What part of that is going to
11 be supervised by the EVPHA and what part of that is
12 going to be supervised by the provost?

13 I think that this system was -- We
14 weren't asked about this. We weren't -- This wasn't
15 suggested as an idea to discuss. This was suggested
16 by the president as something that we should -- that
17 we have to do. I don't think we have to support
18 this. If he wants to put it in, then let him put it
19 in. But I don't think that we have to go along like
20 sheep and support what we feel is a bad idea. And I
21 feel, personally, that this is a bad idea.

22 CHAIR DEMBO: The
23 implementation committee, by the way, is headed by
24 Bill Piffel . They've had a number of meetings.
25 I've tried to make as many as possible. So they're

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1 already in the process of trying to decide what's
2 going to happen to staff positions in the Medical
3 Center.

4 MS. GARVEY: Beth Garvey,
5 College of Medicine.

6 I had a question about your
7 recommendation regarding the dean being not just a
8 business person but a clinician. The danger in that
9 is that you've left out an academic clinician. And,
10 as Dr. Cibull just said, this is somebody who's going
11 to have a split personality as an academic clinician
12 and a clinical clinician. And I think by leaving
13 that out, that's a dangerous omission.

14 MS. CHARD: I'll speak for
15 the committee here. I don't think we would have any
16 problem with that amendment, based on our
17 discussions. And feel free to speak up if you think
18 anything different. But I think we discussed that at
19 great length. I think you're exactly right. And
20 that was our intention in inserting the word
21 "clinician," was getting back to the academic
22 training side.

23 MR. STEINER: Just a
24 question. Steiner of Biology.

25 Dr. Cibull, what system would you

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1 have?

2 MR. CIBULL: I would have
3 the chancellor system and hire a good chancellor.

4 MR. STEINER: I see. So you
5 would go back, you would maintain the chancellor; is
6 that it?

7 MR. CIBULL: I don't think
8 it has anything to do with the system. I mean, half
9 the medical schools in the country have chancellor
10 systems looking for a provost system, and the other
11 half have provost systems looking for a chancellor
12 system. I think medical education in the United
13 States is in crisis and there is no great system that
14 answers the question just by the system. It is the
15 people in the system, in answering the question.

16 And I'm afraid that if somebody has an
17 IQ over 100 and looks at this job, somebody who
18 they're recruiting for the EVPHA, he's going to say,
19 well, what can I do. I mean, you know, I can't make
20 any decisions without, you know, conferring with the
21 provost. And if you look at the whole thing -- I
22 don't know; you don't have the flow chart here, do
23 you -- I mean, there's also this committee that sits
24 above him, as well, that's chaired by the president.
25 Now, why would a committee need to be chaired by the

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1 president when this whole organization reports to the
2 president?

3 It doesn't seem, to me, to be a well
4 thought out way of addressing our problems. Now,
5 obviously, that's not the opinion of the president.
6 It's just my personal opinion.

7 MR. STEINER: Basic Sciences
8 would also be part of your chancellor system, the way
9 it is, basically?

10 MR. CIBULL: Yes. It is
11 now. I mean, yes.

12 MR. STEINER: Yes. I'm
13 trying to get a feeling for it here.

14 CHAIR DEMBO: Professor
15 Randall, did you still have a comment?

16 MR. RANDALL: Yes. Randall,
17 Physiology.

18 I don't think it is accurate to say
19 that this system was proposed by the president. The
20 only thing the president really proposed was the one
21 university provost system. The Task Force, which I
22 was a member of, actually gave a fair amount of
23 thought to how the organization should be. So just
24 in point of accuracy, I think, this was not proposed
25 by the president.

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1 MR. CIBULL: You were given
2 the option of not coming up with a provost system?

3 MR. RANDALL: No, we were
4 not. That was not an option. The provost system was
5 specified, but how this is organized was not.

6 CHAIR DEMBO: Professor
7 Thom?

8 MR. THOM: Bill Thom of
9 Agronomy.

10 I guess I'm one in the College of
11 Agriculture that has a split appointment, meaning I'm
12 on what -- I'm on Research but I'm also primarily on
13 Extension but, you know, it is an outreach type of
14 program. And I guess I'm wondering how that is
15 different than the clinician and trying to separate
16 those out. I think you've got to deal with them as
17 an individual. I'm dealt with as an individual by my
18 department chair and by my dean, even though I have
19 those types of appointments.

20 MS. CHARD: I think we have
21 addressed that by having the Area Committee Review
22 people, is keeping that you're being reviewed as an
23 individual by an Area Committee that can handle you
24 as an individual.

25 MR. THOM: Even though you

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1 have both types of appointments? That's my--

2 MS. CHARD: Yes. I think
3 right now they're doing that at that Area Committee
4 level.

5 MR. THOM: So why separate
6 it? I guess that's my point. Then why separate it
7 and have them go two different ways and have one
8 person -- or a person that has that kind of
9 appointment having to go defend themselves two ways,
10 when you should be dealt with--

11 MS. CHARD: We were trying
12 to work within the model, make alterations to the
13 model with the EVPHA already there and the provost
14 already there. And their recommendation was to have
15 nothing for you if you weren't clinical title. So we
16 were just trying to insert another layer of peer
17 review instead of just dean review. And then the
18 split was going to be maintained, because after it
19 went from the dean, it was going to go to the EVPHA,
20 anyway. So we're just trying to insert peace in
21 there.

22 CHAIR DEMBO: Other
23 comments? (No response.)

24 (Flipping tape ...) ...many different
25 bodies. AOS is Academic Organization Structure,

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1 Academic Council of Medical Center, College of
2 Medicine, College of Health Sciences Senate Council.
3 Much ambiguity, lack of clarify. How to identify the
4 role of an associate provost. We talked about the
5 Clinical Sciences Area Committee, the Executive
6 Council of the Medical Center; it was thought
7 important to have all five Medical Center colleges
8 represented by faculty, not just the respective
9 deans.

10 The Dean of the College of Medicine
11 was addressed. The EVPHA was addressed. The
12 relationship between the EVPHA and the provost was
13 addressed. Cumbersome inefficient system. Unclear
14 how the final budget authority would work. Ambiguity
15 in lines of authority. The Implementation team,
16 which is this committee headed by Bill Piffel, should
17 have representation from all colleges and
18 constituents. And I know my college isn't
19 represented on it. There are a number of colleges in
20 the Medical Center that are not. And the college
21 deans must be members of the board of the fund. So
22 we have a complicated report, a number of different
23 thoughts.

24 How should we proceed? It's on the
25 floor for discussion. There's no motion on the floor

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1 right now.

2 Professor Tagavi?

3 MR. TAGAVI: I admit I'm
4 very ignorant of the Medical Center part. And I
5 don't have much of an opinion on the Task Force
6 recommendations. What I'm very sensitive about is
7 shared government when it comes to academic rights
8 and academic matters. So in regard to that, you just
9 mentioned there's no motions. Or can I make a
10 motion? I did send that to you by e-mail if you will
11 put that up with one little change. And I realized I
12 was not even-handed in my motion. So I'd have to
13 make one change to that.

14 This is a **MOTION** that I'd like the
15 Senate to consider, this being primarily a proposal I
16 made pursuant to the organization. It is -- I'm not
17 assuming it is the sense of the Senate. I hope you
18 don't get offended. I'm just having it for
19 discussion of the Senate at this time, the academic
20 power as opposed to administrative power. I realize
21 there's lots of budgetary line-up authority on
22 everything. I'm not concerned about it. That the
23 office of the provost should not be made greater or
24 less -- I'd like to add that one since it is my
25 motion -- than those held by the two chancellors'

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1 offices combined.

2 MR. CANON: What two
3 chancellors?

4 MR. TAGAVI: Pardon me?

5 MR. CANON: What two
6 chancellors?

7 CHAIR DEMBO: The
8 chancellor--

9 MR. TAGAVI: The ones that
10 we did away with, the chancellor of the Medical
11 Center and the chancellor of the--

12 MR. CANON: Two former
13 chancellors?

14 MR. TAGAVI: --two former.
15 Thank you. Former.

16 CHAIR DEMBO: Was there a
17 second to have some discussion about this?

18 MR. GROSSMAN: **SECOND.**

19 CHAIR DEMBO: Okay. Kaveh,
20 what's your intent, since this is kind of parallel to
21 but not directly addressing the Task Force report?

22 MR. TAGAVI: It does not.
23 It's just anxiety that I have. And I'm not implying
24 that I have seen any great sign of change of power
25 from the president to the provost or from faculty to

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1 provost or vice versa. But I'd just like to give
2 this message to the Task Force Implementation
3 Committee to be cognizant that academic power will
4 not be shifted directly one way or the other.

5 CHAIR DEMBO: Can I
6 recommend? We don't know if the Implementation
7 Committee will eventually be responsible for
8 modifying the GRs. It's unclear at this stage who
9 would. So probably this should go to the president.

10 MR. TAGAVI: This does not
11 say who it should go do. This just says who it's
12 coming from. It's coming from us and it's our sense
13 if, indeed, that's possible.

14 MR. BAILEY: Ernie Bailey,
15 Agriculture.

16 I've been wrestling trying to
17 understand this proposal and many of the things. But
18 this statement, I guess I don't understand how it
19 fits in. And the other point, it seems to me that
20 automatically what's being proposed is that the
21 provost has less power than the two former
22 chancellors combined, because you have some of the
23 responsibilities that these chancellors had being
24 delegated to this executive vice president. And so
25 it's--

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1 MR. TAGAVI: Budgetary, not
2 academic.

3 MR. BAILEY: Academic power
4 only. Okay.

5 MR. CIBULL: What's the
6 difference between academic and administrative power?
7 I mean, how can you separate?

8 MR. TAGAVI: Well, I'll try
9 to do my best. Administrators are in charge of
10 budgets. They are also in charge of administrating
11 academic rules.

12 MR. CIBULL: Yeah. But the
13 budget -- You know, you could stop right with the
14 budget. *He who has the gold makes the rules.*

15 MR. TAGAVI: Correct. But
16 some of us think granting of tenure is somewhat of a
17 gold which -- It's academic power.

18 CHAIR DEMBO: Professor
19 Staben, did you have--

20 MR. STABEN: There was an
21 earlier slide that showed the duties of the executive
22 vice president for Health Affairs included teaching
23 in a clinical sense. So it seems like that
24 automatically does -- as Ernie said, actually
25 decrease the academic role of the provost to be less

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1 than the sum of the two chancellors. I don't -- I'm
2 having trouble understanding Kaveh's motion.

3 CHAIR DEMBO: And I'm not
4 100 percent sure. Sort of secondarily, I--

5 MR. TAGAVI: It hasn't been
6 seconded.

7 (Several senators talking at once.)

8 CHAIR DEMBO: Well,
9 actually, Ernie had.

10 MR. STABEN: I'm not sure I
11 quite understand what problem this solves but...

12 CHAIR DEMBO: Professor
13 Jones?

14 MR. JONES: Davy Jones.

15 I think maybe what Kaveh's after here,
16 and maybe it can be tweaked to state this, is that
17 moving to a provost system not be an occasion, for
18 example, that the faculties' governance roles and
19 authorities become reduced by being sucked up into a
20 provost office, for example. We don't -- And, as
21 it's phrased right now, maybe if I was to say, oh,
22 the colleges should make all the tenure decisions and
23 the provost has no role in the tenures, then that
24 would be a loss of power out of the provost's office.

25 We're not recommending -- We want to

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1 have a sense here. We don't want a big shift one way
2 or the other, as far as these kind of academic
3 governess relationships in governess policy-making
4 and academic decisions.

5 Is that what you mean, Kaveh?

6 MR. TAGAVI: Yes.

7 CHAIR DEMBO: Professor
8 Albisetti?

9 MR. ALBISETTI: Jim
10 Albisetti, Arts & Sciences.

11 I think the discussion, then, should
12 be capped until we're looking at new governing
13 regulations but I think we ought to make some
14 decision to pass on the report, with or without
15 recommendations today, and not worry about
16 implementation aspects until governing regulations
17 are there to be discussed.

18 MR. GROSSMAN: Our current
19 provost is here. And there's been a lot of concern
20 expressed about the relationship between the EVPHA
21 and the provost. So I was wondering if the provost
22 might like to address some of those concerns.

23 CHAIR DEMBO: Could I --
24 That would be inappropriate at this time because we
25 still have this motion on the floor; so we have to --

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1 unless answering that would help you to vote on this
2 motion. Would it?

3 MR. GROSSMAN: No. I was
4 getting back to what Jim was saying.

5 CHAIR DEMBO: Okay. Is
6 there any other--

7 MR. DURANT: That question
8 would be called on.

9 CHAIR DEMBO: Okay. Is
10 there any other discussion about this motion? (No
11 response.)

12 Okay. So all in favor of this motion,
13 signify by saying aye.

14 ("AYE" VOICE VOTE: MINORITY)

15 CHAIR DEMBO: All opposed.

16 ("NAY" VOICE VOTE: MAJORITY)

17 CHAIR DEMBO: Okay. Show of
18 hands. All in favor of this motion?

19 ("AYE" HAND VOTE: SIX)

20 CHAIR DEMBO: (Counting) Six.

21 Okay. All opposed?

22 ("NAY" HAND VOTE: MAJORITY)

23 CHAIR DEMBO: Okay. **THE**

24 **MOTION FAILS.**

25 Now, Professor Grossman, getting back

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1 to your question.

2 MR. GROSSMAN: Yes. I would
3 like to hear from the provost, at least, how he
4 envisions the relationship between the EVPHA, in
5 light of some of the questions that have arisen here,
6 in terms of the relationship between academic and
7 budgetary authority, which I agree with Mike is
8 exceedingly important, the decisions on tenure, and
9 questions such as that.

10 PROVOST NIETZEL: I can
11 address several of those in terms of what the Task
12 Force report recommended and what I would tend to
13 agree with.

14 With respect to promotion and tenure,
15 the model would be essentially what it is now, which
16 is that recommendations from the provost to the
17 president on promotion and tenure and all title
18 series, except the clinical title series, would
19 occur. Which is what happened essentially this last
20 year, except you had a chancellor sending those
21 dossiers on to me in this past year. So I think
22 there is no change. I agreed completely with the
23 necessity of keeping the Area Committee in place in
24 making recommendations.

25 It is important to recognize that we

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1 not confuse clinical title series faculty, which is
2 the only title series that was singled out in the
3 Task Force report, from clinical faculty, who may
4 have regular -- We don't want clinical faculties to
5 be confused with clinical title series, referring to
6 an aspect of duties that I've assumed that many
7 faculty have, regardless of what their appointment --
8 what title series their appointment's in.

9 It's very difficult to say what the
10 relationship between the provost and the EVPHA will
11 be. It's a critical feature of having a lot of work.
12 The places we visited might have it in place. And in
13 fact, its intent is to embody the fact that you do
14 have two fundamental responsibilities that are unique
15 in an academic health center. We can find examples
16 of those in other parts of the University but never
17 in the full spirit that you find them in an academic
18 health center.

19 The dean is the one who really has the
20 unification here in the College of Medicine, in
21 particular, to make sure that clinical research and
22 instructional and service activities are accomplished
23 well within his or her college. And, then, in fact
24 the dean does have two masters to respond to with
25 respect to those.

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1 In the College of Medicine, it was
2 intended that the clinical activities, particularly -
3 - and I think you're the one that stated this -- as
4 those are connected with revenue from the hospital,
5 be exclusively EVPHA responsibility, although it
6 would clearly be the case that the provost and the
7 EVPHA would discuss that.

8 In the other colleges, it was intended
9 that the entire budget would be administered by the
10 provost with the fund continuing exactly as it has
11 for the guidance and direction of clinical revenue in
12 those four colleges, with a very small portion of
13 that, as you know, in the Fund going from the College
14 of Medicine.

15 CHAIR DEMBO: Would anybody
16 like to throw out a motion on the floor to accept the
17 report as is? (No response.)

18 Would anybody like to throw out a
19 motion to reject the report as is?

20 MR. CIBULL: Reject what?

21 MR. GOVINDARAJULU: You mean,
22 as opposed -- That we should discuss next time and
23 all on -- each item-by-item.

24 CHAIR DEMBO: Chuck?

25 MR. STABEN: Could you

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1 explain what accepting or rejecting the report
2 actually will do? I'm a little unclear. I mean, I
3 accept the report happened. I'm just not sure what
4 it means (audience laughs)-- what it means for me to
5 accept the report.

6 CHAIR DEMBO: It will in the
7 end, when the president presents this to the board of
8 trustees, will allow our faculty trustees and the
9 other trustees, as well, to see what the Senate
10 sentiment was on it. And, further, it will guide us
11 as we take a look at governing regulations that may
12 come down the line. So it won't stop this in its
13 path. And it depends on what the board decision is
14 and it depends on the GRs that may be promulgated to
15 try to enact this. That's my take on it. Is that
16 right, Davy? Is there--

17 MR. JONES: And that's my
18 understanding.

19 CHAIR DEMBO: Okay. So
20 Professor Randall?

21 MR. RANDALL: I would just
22 like to make an observation. I think relatively few
23 things have come before the Senate in the last months
24 or year that are more portentous than this, that are
25 more important than this. And we've delegated the

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1 last half hour of a meeting, I think that we have
2 missed a real opportunity to act as a Senate and to
3 have import into how these things are made because I
4 don't see how we can accept this report en masse or
5 reject it en masse. The points should be discussed
6 point-by-point. Just an observation I--

7 CHAIR DEMBO: I have to make
8 an editorial comment that there was also no effort to
9 get the Senate's input in the formation of the Task
10 Force, either. And, fortunately, we had a senator on
11 it, David, but I think you were selected because of
12 your department or your academic appointment but not
13 necessarily because you were a senator. I think--

14 MR. RANDALL: Well, I think
15 wisdom. But okay.

16 CHAIR DEMBO: So I think --
17 That's just a statement.

18 MR. CIBULL: I have a
19 question; and if the answer is one way, I have a
20 motion. This is moving ahead whether the Senate
21 approves it or not at this point; is that correct? I
22 mean, there is an Implementation Committee in place
23 that is working now--

24 CHAIR DEMBO: As we speak.

25 MR. CIBULL: --is that

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1 correct? So putting this off for another month
2 essentially abrogates, to a great extent, our ability
3 to affect this process.

4 I would -- As I've said, I would like
5 to make a **MOTION** to accept en masse the
6 recommendations put forth in the executive summary.
7 I think those recommendations are good ones. I don't
8 like the system but I think that -- or the Provost
9 Model, but the model is certainly improved by those
10 recommendations.

11 So I **MOVE** to accept those put forward
12 in the Executive Summary.

13 MR. YANERELLA: I **SECOND**.

14 CHAIR DEMBO: Okay.

15 COURT REPORTER: Who
16 seconded it?

17 MR. YANERELLA: Ernie
18 Yanerella.

19 CHAIR DEMBO: Professor
20 Albisetti, you had your hand up before. Does this
21 speak to what he's mentioning?

22 MR. ALBISETTI: Yes. I was
23 going to offer a slightly different statement to
24 include -- I guess it would be an amendment -- that
25 we would transmit the summary of the two pages, along

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1 with the report of the charged committee, on to the
2 president, as the Senate's expressed concerns about
3 aspects of the Task Force report.

4 MR. CIBULL: I accept that
5 as a friendly amendment.

6 CHAIR DEMBO: Okay. So the
7 motion on the floor is to send the Executive Summary,
8 along with the Senate Committee on Organization &
9 Structure report -- and probably you should consider
10 the Academic Council of the Medical Center, as well --
11 to the president. That's the motion on the floor;
12 right?

13 MR. CIBULL: With our
14 endorsement, I guess.

15 CHAIR DEMBO: The
16 endorsement of the Summary and its recommendations.
17 Okay.

18 Professor Grossman?

19 MR. GROSSMAN: Before I vote
20 on that, I need to know about this Implementation
21 Committee, because it seems to me that the
22 Implementation Committee will really decide what
23 exactly ends up happening.

24 So who is on this Implementation
25 Committee? Will we have a chance to amend their

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1 recommendations or to approve their recommendations?
2 And how will their recommendations be implemented?
3 Who approves them and what's the process? Will they
4 go up to the board of trustees again or what?

5 CHAIR DEMBO: The committee
6 was appointed by the president. There was no input
7 from the Senate. I don't believe there were senators
8 on it. And at the present time they're dealing with
9 more administrative and staff kinds of decisions,
10 which is something technically the president can do
11 without Senate input. But if they get to start
12 talking about promotion and tenure, that's a
13 different story.

14 MR. GROSSMAN: And what is
15 the process by which their recommendations get
16 written into the regs?

17 CHAIR DEMBO: Ultimately, if
18 they -- Let's say they send their recommendations
19 right to the president and he proposes some governing
20 regulations, then according to what I showed you
21 before, in order to amend the GRs, the Senate has to
22 be involved in that process.

23 Professor Staten?

24 MS. STATEN: Ruth Staten,
25 College of Nursing.

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1 This is on the Implementation Team, as
2 well. I think we've had a lot of debate about
3 representation to various committees and groups and
4 task force. And did we have input at all into the
5 representation of the Implementation Team or--

6 CHAIR DEMBO: No.

7 MS. STATEN: I guess I would
8 like to see us--

9 CHAIR DEMBO: That is one of
10 the recommendations, actually, in some of these
11 reports.

12 MR. RANDALL: The Faculty
13 Council - The Council of the College of Medicine did
14 have some input.

15 CHAIR DEMBO: Into members--

16 MR. RANDALL: Yes.

17 CHAIR DEMBO: --for the
18 Implementation Committee. Okay.

19 So the motion on the floor, then, is
20 to send the Executive Summary and the various
21 committee reports to the president. Is that along
22 with the recommendation that he strongly consider, or
23 just without explanation?

24 MR. CIBULL: That we endorse
25 those.

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1 CHAIR DEMBO: Okay.

2 MR. CIBULL: I mean, if
3 they're going to go ahead with this, they have to
4 also take -- If they want our input, that is our
5 input.

6 CHAIR DEMBO: Any other
7 discussion about that motion? (No response.)

8 All in favor, please raise your hands.
9 ("AYE" HAND VOTE: UNANIMOUS)

10 CHAIR DEMBO: All opposed.
11 ("NAY" HAND VOTE: NONE)

12 CHAIR DEMBO: Is there any
13 other discussion about this Task Force report?

14 Professor Grossman?

15 MR. GROSSMAN: I'd like to
16 make a **MOTION** that this Implementation Committee
17 needs to have representation from the Faculty Senate
18 before, so that we don't end up discussing in half an
19 hour something that will affect our lives for the
20 next 20 years. So I **MOVE** that we ask or direct the
21 president -- Davy, you can tell us what our powers
22 are here--

23 MR. JONES: Totally
24 recommending, is all.

25 MR. GROSSMAN: --that we

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1 strongly recommend that the president immediately
2 appoint two members of the Faculty Senate to the
3 Implementation Committee.

4 MS. DWYER: **SECOND.**

5 COURT REPORTER: Who
6 seconded it?

7 MS. DWYER: Dwyer,
8 Agriculture.

9 CHAIR DEMBO: Other
10 discussion about that? (No response.)

11 So that not only underscores one of
12 these recommendations but asks that the president
13 immediately consult with the Senate to have Senate
14 representatives on that committee?

15 MR. GROSSMAN: (Nods head
16 affirmatively.)

17 MR. JONES: Just a comment.
18 The Implementations Committee started right after the
19 turn of the year, is my understanding. And they've
20 been meeting very frequently. And their target is
21 that in the board meeting two weeks from now, they're
22 going to have the report to the board. So we're
23 getting in at the very tail end of the process here.

24 CHAIR DEMBO: Kaveh?

25 MR. TAGAVI: I'd like to

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1 make an amendment and, that is, we want our
2 representative to be chosen by us.

3 If you get 100 people and say, "You
4 choose who will represent us," that really dilutes
5 our prerogative. I'd like to amend that. At least,
6 my wish is that we choose our two people, while I
7 would say with input from the Senate Council to
8 choose two people.

9 MR. GROSSMAN: Can I make a
10 suggestion on that? That he choose two people from a
11 list submitted by the Senate Council.

12 MR. TAGAVI: Yes. That's
13 even better. That's my amendment and apparently it's
14 friendly and acceptable?

15 MR. GROSSMAN: Yes.

16 CHAIR DEMBO: Okay. So it's
17 two. And do you want to say it's amendment number
18 two? That's what I think I heard you say.

19 MR. GROSSMAN: Yes. And,
20 again, Davy, since you know about this, if this
21 Implementation Committee is presenting its report to
22 the board, if the board votes to accept it, does that
23 mean the regs are changed and that's it? We haven't
24 been consulted?

25 MR. JONES: No, no. This

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1 report is more like a statement in principle that the
2 board is going to endorse about what will happen.
3 But, then, specific governing regs will have to be
4 drafted and put out there for 30 days on each of the
5 points. And we have -- It is required that we be in
6 the consulting loop on each of those draft changes to
7 the governing regulations.

8 CHAIR DEMBO: Davy, did I
9 hear you say that the board is going to endorse?

10 MR. JONES: No, I didn't say
11 that.

12 CHAIR DEMBO: Okay.

13 (Laughter)

14 CHAIR DEMBO: Okay. Any
15 other discussion on Professor Grossman's motion? (No
16 response.)

17 All in favor, signify by raising your
18 hands.

19 ("AYE" HAND VOTES: MAJORITY)

20 CHAIR DEMBO: All opposed?

21 ("NAY" HAND VOTES: TWO)

22 CHAIR DEMBO: Okay. One
23 opposed? Are there any other instructions.

24 COURT REPORTER: There were
25 two, weren't there?

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1 CHAIR DEMBO: Two opposed.

2 I'm sorry.

3 Are there any other instructions that
4 you want to give to our Faculty Trustees? (No
5 response.)

6 Do you feel like you've got a sense,
7 Davy, of the Senate's sentiment?

8 MR. JONES: It is very
9 important to me as the Trustee that in two weeks at
10 the February meeting, the president is going to be
11 standing in front of the board presenting the
12 Implementation report. And he's going to put some
13 history behind it and he's going to say, "And as far
14 as the Senate ..." You know, he's going to use some
15 words to describe the Senate's position. The Senate
16 taking at least some votes today, in a motion vote,
17 it's very clear -- It's much clearer to me now to be
18 able to represent and articulate what the Senate
19 wanted. I appreciate that.

20 CHAIR DEMBO: Thank you for
21 your patience in staying over. All those in favor of
22 adjourning, please rise.

23 (ALL RISE)

(MEETING ADJOURNED AT 5:10 P.M.)
