

Minutes of the Meeting of the Board of Trustees  
University of Kentucky  
Friday, May 8, 2015

The Board of Trustees of the University of Kentucky met at 1:00 p.m. on Friday, May 8, 2015 in the Board Room on the 18<sup>th</sup> floor of Patterson Office Tower.

A. Meeting Opened

Dr. O. Keith Gannon, chair of the Board of Trustees, called the meeting to order at 1:05 p.m. Chair Gannon asked Trustee Sheila Brothers, secretary of the Board, to call the roll.

B. Roll Call

All members of the Board of Trustees answered the roll call: C.B. Akins, Sr., James H. Booth, William C. Britton, Sheila Brothers, E. Britt Brockman, Mark P. Bryant, Angela L. Edwards, William S. Farish, Jr., Oliver Keith Gannon, Carol Martin (Bill) Gatton, Cammie Grant, Robert Grossman, Jake Ingram, David V. Hawpe, Kelly Sullivan Holland, Terry Mobley, James W. Stuckert, Robert Vance, John Wilson and Barbara Young. Secretary Brothers announced that a quorum was present.

The University administration was represented by President Eli Capilouto, Provost Tim Tracy, Executive Vice President for Health Affairs Michael Karpf, Executive Vice President for Finance and Administration Eric Monday, and General Counsel William Thro.

The University staff was represented by Chair of the Staff Senate Michael Adams and the University faculty was represented by Chair of the University Senate Council Andrew Hippisley.

Guests and members of the news media were also in attendance.

C. Consent Items

Chair Gannon called attention to the four consent items on the agenda. The items were the minutes for the Board of Trustees meeting on March 16, 2015; PR 2, Personnel Actions; FCR 1, Gift from the Estate of Charles C. Thomas; and FCR 2, S. J. Whalen Charitable Remainder Unitrust Gift.

Trustee Stuckert moved approval of the consent items. Trustee Hawpe seconded the motion. Chair Gannon called for the vote and it passed without dissent. (See consent items listed below on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

Minutes, Board of Trustees Meeting, March 16, 2015  
PR 2 Personnel Actions  
FCR 1 Gift from the Estate of Charles C. Thomas  
FCR 2 S. J. Whalen Charitable Remainder Unitrust Gift

D. Chair's Report

Chair Gannon reported that there had been two petitions to address the Board since the previous Board of Trustees meeting. The petitions' subject matter was not relevant to a pending or future Board agenda item.

Chair Gannon introduced Mr. Austin Mullen, a marketing management major from La Grange in Oldham County, KY, who is the Student Government President. Mr. Mullen will assume his role as Student Trustee later this summer.

Chair Gannon took a few moments to reflect on the historic transformation on campus and the momentum of the University. As examples, he noted the unparalleled new construction, the growing and more diverse student population, a thriving health care enterprise, a successful and respected athletics program and exciting living learning programs. He stated the Strategic Plan will be the opportunity to direct and optimize the momentum and guide the University forward in the shared mission to serve the Commonwealth of Kentucky. He thanked President Capilouto, his team and the entire campus community for their hard work and commitment.

E. Executive Committee Report

Chair Gannon stated that the Executive Committee met that morning. The Committee received a progress report from Dr. Carol Cartwright, consultant from the Association of Governing Boards, regarding the President's Evaluation.

Chair Gannon explained that the purpose of the evaluation is to objectively examine President Capilouto's performance on multiple leadership fronts and against the goals the Board had established for him. Because of the comprehensive nature of this year's review, there are significant benefits for the President, for the Board of Trustees and for the University. In addition, a nationally recognized "best practices" process being used will enable the Board to strengthen its partnership with the President and deepen its understanding of the value of recent significant investments. The foundations for the evaluation are the Guiding Principles developed in the Board of Trustee Retreats from 2011 through 2014 and President Capilouto's self-evaluation that, this year, is his personal reflection on his past four years in office.

Chair Gannon stated that Dr. Cartwright visited the University on March 31 to meet President Capilouto and plan the details of the comprehensive review process and timetable. Additionally, on behalf of the Executive Committee, Chair Gannon and Trustee Akins met with Dr. Cartwright to affirm the various process steps and the timetable. From April 13-15, Dr. Cartwright conducted 30 interviews on campus, with a total of 39 people. Most of the interviews were with individuals, although a few were with small groups. From May 5-9 she will conduct an additional 32 interviews on campus. A few remaining interviews are scheduled by phone the week of May 11-15. At the conclusion of the interview process, she will have interviewed 80 individuals including 20 Trustees, 11 direct reports, six administrators, seven deans, four faculty leaders, three department chairs, six Staff Senate representatives, six undergraduate student leaders, five graduate student leaders, and 12 donors, community and government leaders.

Chair Gannon reported that Dr. Cartwright has currently received 45 responses to the quantitative survey which was sent to each individual being interviewed. She is reviewing numerous documents based on prior discussions during the planning meetings. Finally, she has received President Capilouto's self-evaluation.

In the next step of the evaluation, Chair Gannon stated that Dr. Cartwright will analyze all of the data and develop a final report. A preview of that report will be discussed with the President and the Executive Committee in early June and the final report will be presented to the Board at the meeting on June 19.

F. President's Report (PR 1)

President Capilouto began by sharing a video created by UK Public Relations video production specialists Amy Jones-Timoney and Kody Kiser. The video strings together the words from Professor Frank X Walker's "Seedtime in the Commonwealth," the poem he wrote for the UK's Sesquicentennial Celebration, with images of UK's campus throughout history. The video can be viewed at <http://uknow.uky.edu/content/video-professor-pens-performs-poem-honor-uks-150th-birthday>. At the conclusion of video, there was a round of applause.

With the words and images of "Seedtime" still resonating, President Capilouto stated that on the agenda for the meeting was the renaming of Central Hall I as "Lyman T. Johnson Hall." Mr. Johnson was denied admission to UK in 1949 because of his skin color. He did not graduate from UK, but was awarded an honorary degree in 1979. Mr. Johnson's legacy will be captured on the first building built as part of the revitalization of the campus.

To recap some important milestones this past year, President Capilouto stated that last fall, UK's enrollment passed 30,000 students, including 113 National Merit, National Achievement and National Hispanic Scholars, bringing the total to 289 in the last three years. This places UK in the Top 10 among public institutions with these scholars.

Looking ahead for the fall 2015 class, UK has received more than 22,400 applications, nine percent ahead of last year and the first time UK has surpassed 22,000 applications. UK is also 12 percent ahead in the total number of admitted students from this time last year. Among those students admitted, the average ACT and high school GPA is higher than a year ago. President Capilouto hopes the diversity of the incoming class will remain strong as well.

Housing applications have increased from the prior year by more than 22 percent. Demand for UK's new residence halls is 130 percent beyond capacity.

Nearly 4,500 undergraduate, graduate and professional degrees are to be distributed at the May 9 Commencement ceremonies. This cohort of students is added to the more than 1,900 that received their degrees during the December 2014 Commencement ceremonies.

President Capilouto was pleased to share that the Kentucky Hospital Association presented a 2015 Quality Award for Psychiatric Care to Eastern State Hospital. Eastern State Hospital re-opened in September 2013 and UK HealthCare, in an agreement with the state,

manages and operates the facility. The state-of-the-art hospital provides an extensive range of inpatient mental health services to adults living within the 50 counties surrounding and including Fayette County.

The Kentucky Hospital Association Quality Award recognized Eastern State as a leading innovator committed to patient care, “by empowering staff, focusing on evidence-based practice, and striving for ... exemplary treatment.” President Capilouto thanked Dr. Andrew Cooley and John Phillips who lead the operating team, as well as Dr. Michael Karpf, Mark Birdwhistell and the many advocates who helped to improve this behavioral health system.

President Capilouto stated that at the March Board meeting, Provost Tracy shared a timeline and strategy to complete the University’s Strategic Plan. For the last two months, a dedicated team of campus leaders has continued this work in earnest. President Capilouto introduced Provost Tracy to provide an update.

Provost Tracy thanked Professor Kim Anderson and the Strategic Plan committee co-chairs for their tireless effort. Last week, the Strategic Plan was released to the entire campus. Over the next two weeks, three town hall meetings will be held to receive feedback from the campus community about the plan. That feedback will be incorporated into the Plan and then sent to the Board of Trustees for their comments and feedback.

President Capilouto acknowledged and thanked Jake Karnes for his 44 years of service to UK, serving as Director of the Disability Resource Center since 1970. Mr. Karnes has built a national reputation for his leadership in disability services at the college and university level, assisted the University in ADA compliance and accessibility planning and was recognized by the White House and President Jimmy Carter in 1977. He is a charter member of the Association on Higher Education and Disability (AHEAD), the professional organization for disability services professionals.

Mr. Karnes received a round of applause.

President Capilouto introduced Dr. David Beach, the new Director of the Disability Resource Center. Dr. Beach returns to UK with 20 years of experience in the disability services field, having earned his Masters and PhD from the University of Kentucky. Dr. Beach also serves as an adjunct faculty member in the Department of Early Childhood, Special Education and Rehabilitation Counseling. He was the former director of the Kentucky Office of Vocational Rehabilitation from 2011-2015 and is also the past President of the National Rehabilitation Association and current Treasurer of the Commission on Rehabilitation Education, the accrediting body for Rehabilitation Counseling undergraduate and graduate programs.

Dr. Beach received a round of applause.

President Capilouto stated that the University Research Professorships, established by the UK Board of Trustees in 1976, recognizes faculty scholars who exhibit outstanding research achievement in their field and contribute to the success of UK’s overall research enterprise.

President Capilouto asked Dr. Lisa Cassis, Interim Vice President of Research, to come forward to introduce the 2015-16 recipients.

Dr. Cassis stated that the University Research Professor recipients were nominated by their colleagues. Their nomination packets, which consisted of their resume and research plan for the upcoming year, were reviewed by their peers. Dr. Cassis emphasized that the word "peers" refers to former recipients of this prestigious research professorship award. In essence, the very best researchers at the University chose the best for this year. Dr. Cassis shared that the University celebrated their accomplishments by their designation as Research Professors.

Dr. Cassis was delighted to introduce the 2015-16 recipients. The first recipient was Dr. Lance De Long. Dr. De Long is a professor of Physics in the College of Arts and Sciences and has been on faculty at the University of Kentucky since 1979. Dr. De Long is a leader in the physics of transition metal oxides and in superconducting levitation. Working with a postdoctoral fellow, the De Long Group developed a company called Bluegrass MagLev that tested levitation designs for pharmaceutical mixers and bioreactors. The De Long Group convinced the pharmaceutical industry to move towards disposable mixing of pharmaceuticals in sterile plastic bags using the levitated impeller rather than in stainless steel mixers. Levitated mixers, the outgrowth of this research, are produced by LevTech, a company created for this particular production. The mixers are now used by major biopharmaceutical companies around the world; the LevTech intellectual property held by UK is the second-ranked source of royalty income to the institution in recent years. Dr. De Long's recent research focuses on condensed matter physics, more specifically the study in the physics of quasi-crystals and thin metal materials. Dr. De Long has authored more than 160 publications and has received continuous federal funding since 1982. One of his nominators was a former recipient of the research professorship, who states in his letter, "As a former research professor in 2009, I have found Lance's achievements overwhelming."

The second recipient was Dr. Rebecca Dutch, a professor in the Department of Molecular and Cellular Biochemistry in the College of Medicine. Dr. Dutch has been on faculty at UK since 2000. She has established an international reputation for her research to understand infection by newly-identified RNA viruses. These viruses pose a significant and critical threat to world health, evident by the recent epidemics caused by Ebola. Dr. Dutch's laboratory focuses on understanding how these viruses infect cells, which raises the potential for antiviral therapeutics. More recently, Dr. Dutch has focused on Human metapneumovirus (hMPV) infections, a worldwide respiratory pathogen which is a significant cause of morbidity and mortality in the very young and the elderly. She has identified the first attachment factor for the binding of this virus to target cells and its ability to invade cells. This study furthers the understanding of how the virus is spread and has general applicability to viral infections within the respiratory tract as well. Dr. Dutch is an accomplished scholar and has been very successful in securing extramural funding for her clinically significant research. She is also a gifted mentor, having trained 17 PhDs and MD/PhD students. She is a dedicated and gifted educator and currently serves as the Associate Dean for Biomedical Education in the College of Medicine. Her department chair nomination letter states that "despite the addition of a major administrative role, she has not missed a beat in her research program."

Dr. Cassis stated that the third recipient is Dr. Suzanne Segerstrom, Professor and Associate Chair of the Department of Psychology in the College of Arts and Sciences. Dr. Segerstrom has been on faculty at UK since 1997 and is an internationally recognized expert in self-regulation, a process of taking control of and evaluating one's learning and behavior. Her research in self-regulation focuses on personality processes and the psychological and physiological consequences of self-regulation. Dr. Segerstrom was a pioneer in posing a "pause and plan" physiological profile to characterize self-regulation. This work earned her the very prestigious Positive Psychology Prize from the Templeton Foundation in 2002. More recently Dr. Segerstrom is focusing on how self-regulation affects the psychological and physical health of older adults. With her Research Professorship, she will attempt to identify the structural basis in the brain to explain why high-functioning older adults resist cognitive decline. Dr. Segerstrom is a highly productive scholar with 89 publications and has received federal funding in the form of career awards and many as an independent investigator. Her department chair states "the research she proposes is elegant and has the potential to have a tremendous impact on our understanding of cognitive aging."

The final recipient, Dr. Dong-Sheng Yang, is a professor in the Department of Chemistry in the College of Arts and Sciences. He has been on faculty at UK since 1998 and his research focuses on the use of laser techniques to study carbon-hydrogen and carbon-carbon bond activation by transition metals. This area of research is important because the insertion of metals into these bonds is the fundamental catalytic chemistry that drives most industrial processes for converting crude oil into useful organic chemicals. Dr. Yang uses a technique called zero electron kinetic energy, or ZEKE, and is one of very few practitioners of this technically demanding science. He is currently the only researcher in the world who is applying this technology to organometallic complexes. More recently, Dr. Yang will examine new species of insertion of metals into these bonds, which will be used to understand interactions in real-world industrial processes. Dr. Yang is a highly productive scholar with 89 publications and continues a long legacy of federal funding from agencies such as the National Science Foundation. In his nominating package, a reviewer of one of Dr. Yang's grant applications states, "The principal investigator is probably the only researcher in the world at the moment to use ZEKE techniques to study neutral clusters and complexes."

Professors De Long, Dutch, Segerstrom and Yang were grateful for their award and the opportunity to share with the Board of Trustees the nature of their current research projects.

#### G. University Research Professors (PR 3)

President Capilouto stated that PR 3 is the recommendation that the Board of Trustees approve the naming of Professors Lance E. De Long (Physics and Astronomy), Rebecca Dutch (Molecular and Cellular Biochemistry), Suzanne Segerstrom (Psychology) and Dong-Sheng Yang (Chemistry) as University Research Professors for 2015-16.

Trustee Wilson moved approval of PR 3. It was seconded by Trustee Brockman and the motion passed without dissent. (See PR 3 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

H. Proposed Revision to Governing Regulations: Nondiscrimination (PR 4)

President Capilouto stated that PR 4 was the recommendation that the Board of Trustees approve the attached revisions to Governing Regulation (GR) X and GR XIV, which were received for preliminary consideration as PR 6 on March 16, 2015. The revisions are intended to update the University's nondiscrimination statement to conform to current law by adding gender identity, gender expression, pregnancy, marital status, genetic information, and whether the person is a smoker or nonsmoker.

Trustee Gatton moved approval of PR 4. It was seconded by Trustee Stuckert and the motion passed without dissent. (See PR 4 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

I. Proposed Revision to Governing Regulation: University Appeals Board (PR 5)

President Capilouto stated that PR 5 was the recommendation that the Board of Trustees approve the attached revision to Governing Regulation (GR) XI, relating to the authority of the University Appeals Board (UAB), which was received for preliminary consideration as PR 7 on March 16, 2015. The revision is intended to clarify the role of the University Senate Rules for academic misconduct and the Student Code of Conduct for disciplinary offenses in informing the decisions of the UAB.

Trustee Grossman moved approval of PR 5. It was seconded by Secretary Brothers and the motion passed without dissent. (See PR 5 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

J. Naming of University Building: Residence Hall (PR 6)

President Capilouto stated that PR 6 was the recommendation that the Board of Trustees approve renaming Central Hall I residence hall, located at the corner of University Avenue and Hilltop Avenue, as Lyman T. Johnson Hall. The request to rename this residence hall was submitted by the Lyman T. Johnson African American Alumni Group.

Trustee Akins moved approval of PR 6. Trustee Vance seconded the motion and the floor was opened for discussion. Trustee Hawpe offered that Dr. Johnson was a "pillar of peace, justice and grace" and he was pleased with this recommendation. Trustee Akins shared that Dr. Johnson's actions served to open doors for many, including Dr. Doris Wilkinson, who taught for many years at the University. Dr. Wilkinson was the sole African-American faculty member during Trustee Akins' undergraduate years at UK. He was also very pleased with the naming of the building as it served as a "monumental reminder of the dynamism of diversity."

Chair Gannon called for the vote and it passed without dissent. (See PR 6 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

K. Academic and Student Affairs Report

Trustee Angela Edwards, chair of the Academic and Student Affairs Committee, stated that the Committee met that morning. Provost Tim Tracy provided an update on dean searches and undergraduate student success initiatives. Student Government President and Trustee Jake Ingram provided updates on the relocation of Student Government and student organizations offices during the Student Center renovation, the Cats Cab program, the soft launch of the Live Safe program and the Student Government Association fiscal year end update.

L. Candidates for Degrees: May 2015 (ASACR 1)

Chair Edwards stated that ASACR 1 was the recommendation that the President be authorized to confer upon each individual whose name appears on the attached list the degree to which he or she was entitled upon certification by the University Registrar that the individual has satisfactorily completed all requirements for the degree for which application has been made and as approved by the elected faculty of the University Senate and the Academic and Student Affairs Committee of the Board of Trustees.

On behalf of the Academic and Student Affairs Committee, Trustee Edwards asked for approval of ASACR 1 and it passed with 19 affirmative votes and one abstention. Trustee Jake Ingram, who is one of the candidates for degree, abstained from the vote. (See ASACR 1 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

M. Candidates for In Memoriam Degrees: May 2015 (ASACR 2)

Chair Edwards stated that ASACR 2 was the recommendation that the President be authorized to confer upon the individuals whose names appear on the attached list an *In Memoriam Posthumous Degree*. The degrees for which application have been made have been approved by the elected faculty of the University Senate and the Academic and Student Affairs Committee of the Board of Trustees.

*An In Memoriam Posthumous Degree* allows for recognition of a student's connection to the University of Kentucky regardless of their progress toward completion of degree requirements. Undergraduate, graduate and professional students who were registered in a degree program and were in good academic standing at the time of their death, but did not complete degree requirements, are eligible for an *In Memoriam Posthumous Degree*.

On behalf of the Academic and Student Affairs Committee, Trustee Edwards asked for approval of ASACR 2 and it passed without dissent. (See ASACR 2 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

President Capilouto thanked the University Senate for establishing a policy and procedure that allows for these considerations and recommendations. He shared that in light of the tragic loss of University of Kentucky student Jonathan Krueger three weeks prior, the University community, both on and off campus, embraced each other with support in a number of ways. He was pleased that at the appropriate time in the future, the University will be able to

recognize this student with this type of degree.

N. Candidates for Degree: December 2014 (ASACR 3)

Trustee Edwards stated that ASACR 3 was an amended recommendation that the President be authorized to rescind a May 2014 degree with a double major and confer upon each individual whose name appears on the attached list the degrees to which he or she is entitled, upon certification by the University Registrar that the individual has satisfactorily completed all requirements for the degree for which application has been made and as approved by the elected faculty of the University Senate and the Academic and Student Affairs Committee of the Board of Trustees.

Due to an administrative error, one name was not previously submitted. A second individual was awarded a single degree with a double major in May 2014. The student may not have been advised of the difference between a double major and two separate degrees prior to applying for graduation, with the latter being the preferred category. The degree with a double major will be rescinded and the two earned degrees will be awarded.

On behalf of the Academic and Student Affairs Committee, Trustee Edwards asked for approval of ASACR 3 and it passed without dissent. (See ASACR 3 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

O. Academic Degree Recommendation: College of Arts and Sciences (ASACR 4)

Trustee Edwards stated that ASACR 4 was the recommendation that the Board of Trustees approve the establishment of a Master of Science with a major in Digital Mapping degree in the Department of Geography, within the College of Arts and Sciences, effective in the Fall 2015 Semester.

The master's degree proposal is part of a larger initiative to train students in a range of web-based systems for producing online geo-visualizations and applications. The demand for geospatial technology expertise is burgeoning. Location-aware devices, such as smart phones, have saturated everyday life and present enormous opportunities for online mapping tools and analysis in applications ranging from smart-city and civic development to human-environmental relations and increasing demands for "big data" analytics.

The curriculum for the program is rich with technical training in Geographic Information Systems (GIS) and online mapping including the creation and use of geodata; cutting edge techniques for scraping geodata from social media and other web-based sources; as well as online spatial visualization tools.

The program has the approval of the appropriate councils and the University Senate and has completed the 45 day review process of the Council on Postsecondary Education. The Provost of the University supports this recommendation

On behalf of the Academic and Student Affairs Committee, Trustee Edwards asked for approval of ASACR 4 and it passed without dissent. (See ASACR 4 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

P. Academic Degree Recommendation: College of Education (ASACR 5)

Trustee Edwards stated that ASACR 5 was the recommendation that the Board of Trustees approve the establishment of a Master of Science with a major in Applied Behavior Analysis degree in the Department of Early Childhood, Special Education, and Rehabilitation Counseling, in the College of Education, effective in Fall 2015 Semester.

As the number of individuals with challenging behaviors has increased, there has been a need for professionals uniquely trained to support them in educational, familial and vocational settings. Behavior analysts provide assessment, intervention and evaluation of challenging behaviors through the use of behavioral principles that should result in a meaningful change in the individual's social behavior(s).

The Behavior Analyst Certification Board (BACB) has acknowledged the Department of Early Childhood, Special Education, and Rehabilitation Counseling as an approved university training site for the course sequence to sit for the Board Certified Behavior Analyst (BCBA) certification examination.

The proposed program will provide an opportunity for students not seeking teacher certification to be able to complete a graduate degree while fulfilling the requirements to sit for the BCBA examination. The program will allow for recruitment of students from a variety of undergraduate majors. In addition, it will provide a depth of understanding in applied behavior analysis, managing challenging behaviors and autism spectrum disorders; train students to work in school and with parents and caregivers. Students from this program will be marketable in a variety of private and public entities.

After a few questions from Trustees, Chair Edwards stated that the program had the approval of the appropriate councils and the University Senate and has completed the 45-day review process of the Council on Postsecondary Education. The Provost of the University supports this recommendation.

On behalf of the Academic and Student Affairs Committee, Trustee Edwards asked for approval of ASACR 5 and it passed without dissent. (See ASACR 5 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

Q. Dual Degree Program Recommendation with Universidade Federal de Vicosa (ASACR 6)

Trustee Edwards stated that ASACR 6 was the recommendation that the Board of Trustees approve the establishment of a new dual degree program between the University of Kentucky (UK) Department of Plant Pathology and the Departamento de Fitopatologia at the Universidade Federal de Vicosa (UFV) in Brazil, effective in the Fall 2015 Semester.

Students in the dual degree program will earn a doctoral degree in Plant Pathology from each institution by simultaneously completing the requirements of both programs. The advantages to the students include the unique ability to obtain advanced practical training and to develop cultural and language fluency in both the United States and Brazil, while the advantages to the respective departments include the ability to recruit academically superior students from both countries and facilitation of research collaborations to focus on plant disease problems of mutual interest.

This dual degree program will allow students to acquire academic credits and develop part of the research for their doctoral dissertation at the partner university. A minimum stay of 12 consecutive months at the partner university will be required for the program. The goal is to prepare students to work across borders in academic, government, or industry settings. Graduates of the program will be able to leverage resources from both countries to solve problems of mutual interest at the highest level.

The proposal for the dual degree program has been approved by the faculty in the Department of Plant Pathology; and reviewed and recommended by the appropriate councils and the University Senate. The Provost of the University supports this proposal.

On behalf of the Academic and Student Affairs Committee, Trustee Edwards asked for approval of ASACR 6 and it passed without dissent. (See ASACR 6 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

R. Change in Name of an Educational Unit: College of Communication and Information (ASACR 7)

Trustee Edwards stated that ASACR 7 was the recommendation that the Board of Trustees approve the change in the name of the School of Library and Information Science to the School of Information Science, in the College of Communication and Information, effective July 1, 2015.

Prior to January 2013, the School consisted solely of a master's degree in library and information science and now houses three different degree granting programs (Library Science, Information Studies, and Information Communication Technology). It also houses a non-degree seeking program primarily responsible for teaching the UK Core "Composition and Communication" sequence.

Due to the growth beyond 'library' science, the faculty voted to change the School's name to School of Information Science. The new name is more consistent with similarly structured programs across the country. It represents the work the School is engaged in at the undergraduate and graduate level in support of UK students.

The proposed change has been approved by the faculty of the School of Library and Information Science; reviewed and recommended by the Senate Academic Organization and Structure Committee and the Senate Council; and endorsed by the University Senate. The Provost of the University supports this recommendation.

On behalf of the Academic and Student Affairs Committee, Trustee Edwards asked for approval of ASACR 7 and it passed without dissent. (See ASACR 7 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

S. University Athletics Committee Report

Trustee C.B. Akins, Sr., chair of the University Athletics Committee, stated that the committee had met that morning. Athletics Director Mitch Barnhart gave an update on winter and spring sports. Items of note include the goals of the “15 by 15 by 15” being reached by the athletic program. The successor plan has been developed; it’s called “1-3-5,” which is:

1 – By the year 2022, each of UK’s 22 sports teams will win at least one conference or national championship.

3 – The Department of Intercollegiate Athletics will continue to pursue excellence in the classroom by achieving a 3.0 department-wide GPA every semester.

5 – UK will finish in the top five of the Directors’ Cup within the next seven seasons.

The Department has adopted a new common purpose: “Win the Moment with People, Passion and Pride.” “Win the Moment” is the result of a year’s worth of work with the Disney Institute to improve the internal culture as a department, its service to UK fans and with one another.

At the CATSPY Awards, the Wildcat Creed was unveiled. The creed is a statement of what it means to represent UK Athletics and was developed by the Student-Athlete Advisory Committee. Also at the CATSBYs, women’s basketball player Bria Goss and softball player Griffin Joiner were named co-recipients of the Miss Wildcat award. All-American javelin thrower, Ray Dykstra, was named Mr. Wildcat.

Chair Akins continued that in winter sports, men’s basketball became the first team in NCAA history with a 38-0 record. The men’s basketball program has gone to the Final Four four times in the last five years. The women’s basketball team reached the NCAA Tournament for a school-record sixth season in a row. The gymnastics team competed in the NCAA Tournament for the 11th year in a row, which is also a record. Freshman Sydney Waltz became the first UK gymnast since 2002 to qualify in the all-around event at the National Championships. The women’s swimming and diving team finished 16th at NCAA Championships, UK’s highest finish since 2007. Tina Bechtel earned four All-America honors, including a silver medal in the 200 butterfly competition. Rebecca Hamperian was named SEC Female Diver of the Year, and Ted Hautau was named the Women’s Diving Coach of the Year.

Chair Akins reported that in spring sports, the men’s and women’s track and field teams are in the midst of their outdoor season. The women’s track and field team is currently ranked No. 4, led by hurdler Kendra Harrison. Ms. Harrison is on the watch list for the Bowerman Trophy, given to the best track and field student-athlete in America.

The softball team, with a 29-24 record, was awaiting the post-season placement in the NCAA Regional Tournament. Baseball is entering the final two weekends of the regular season games. The women's tennis team earned its second NCAA Tournament bid in a row and the men's tennis team concluded its season in the second round of the SEC Tournament. The women's golf team qualified for NCAA Regionals for the fifth consecutive season and the men's golf season will close with the NCAA Regionals.

Chair Akins continued that "off the field," UK Athletics will have 62 student-athletes participating in Commencement ceremonies on Saturday, May 9. Along with the 31 graduates from December 2014, there will be 93 student-athletes completing degrees during the 2014-15 school year. Sixty-five student-athletes were named to the SEC Winter Sports Academic Honor Roll, placing UK fourth among all conference schools.

Construction on Commonwealth Stadium continues to progress toward UK's grand opening game on September 5, 2015. Installation of a new court at Memorial Coliseum has also been completed. After more than a year of discovery and design, the court features a new primary UK logo developed in conjunction with Nike.

Chair Akins stated that Bud Dupree became the 16th player in Kentucky football history to be drafted in the first round of the NFL Draft. The graduating senior is also a Heart of a Wildcat Award recipient.

Women's tennis senior Grace Trimble and football senior Max Godby were awarded 2015 Sullivan Medallions by UK for their outstanding humanitarian service. Senior catcher Griffin Joiner is one of 10 Division I softball finalists for the Senior CLASS Award, which honors excellence both on and off the field.

Chair Akins stated that the following individuals were honored as follows:

- John Calipari was elected to the Naismith Memorial Basketball Hall of Fame in April;
- Head Baseball Coach Gary Henderson has been selected to serve as the pitching coach on the USA Baseball Collegiate National Team this summer;
- Men's basketball video coordinator Tim Asher has been named the 2014-15 Basketball Video Coordinator of the Year for the second time;
- Danielle Galyer of the swimming and diving team was named SEC Female Scholar-Athlete of the Year;
- Women's tennis junior Kirsten Lewis was named to the SEC Community Service Team;
- Rising volleyball senior Morgan Bergren has been selected by the U.S. Collegiate National Team to train and compete in conjunction with the USA Volleyball Girls' Junior National Championship; and
- Women's soccer All-American Arin Gilliland made her professional debut with the Chicago Red Stars of the National Women's Soccer League in April.

Chair Akins concluded that in business items, the Committee considered the financial statements of the Department of Intercollegiate Athletics. Melissa Gleason, Senior Associate Athletics Director for Finance reviewed the interim financial statements of the department for the

six months ended December 31, 2014. The statements included the balance sheet, the statement on revenue and expenses and the change in net assets. The Committee accepted the financial statements as presented.

T. Finance Committee Report

Trustee James Stuckert, chair of the Finance Committee, reviewed for the Board the consent items, FCR 1 and FCR 2, which were vetted in detail earlier at the Finance Committee Meeting. He thanked the estates of Charles C. Thomas and S. J. Whalen for their generosity to the University.

U. Acceptance of Interim Financial Report for the Six Months ended December 31, 2014 (FCR 3)

Trustee Stuckert stated that FCR 3 was the recommendation that the Board of Trustees accept the University of Kentucky consolidated financial report for the six months ended December 31, 2014.

The consolidated financial report includes the financial activities of the University of Kentucky and its affiliated corporations:

- University of Kentucky Research Foundation
- The Fund for Advancement of Education and Research in the University of Kentucky Medical Center
- University of Kentucky Gluck Equine Research Foundation, Inc.
- University of Kentucky Humanities Foundation, Inc.
- University of Kentucky Mining Engineering Foundation, Inc.
- University of Kentucky Center on Aging Foundation, Inc.
- Central Kentucky Management Services, Inc.

As of December 31, 2014, the University has recognized \$1,512,147,704 of current funds revenue representing 50 percent of the 2014-15 approved budget of \$3,016,665,100. Expenses and transfers total \$1,353,001,906 or 45 percent of the approved budget.

On behalf of the Finance Committee, Trustee Stuckert moved approval of FCR 3 and it passed without dissent. (See FCR 3 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

V. 2014-15 Budget Revisions (FCR 4)

Trustee Stuckert stated that FCR 4 was the recommendation that the Board of Trustees authorize and approve certain budget revisions to the 2014-15 budget. The budget revisions will increase the University of Kentucky's total budget by \$10,678,500.

The budget revisions include the recognition of funds due to a tuition revenue increase for the UK-UofL Joint Executive Master in Business Administration program, as well as dining

revenue as a result of the public-private partnership for dining operations with Aramark.

On behalf of the Finance Committee, Trustee Stuckert moved approval of FCR 4 and it passed without dissent. (See FCR 4 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

W. Approval of Lease (FCR 5)

Trustee Stuckert stated that FCR 5 was the recommendation that the Board of Trustees authorize the Executive Vice President for Finance and Administration to negotiate and execute a lease renewal between the University of Kentucky and Blazer Parkway Venture, Lexington, Kentucky, for space located at 3470 Blazer Parkway, Lexington, Kentucky.

The Center for Children and Trauma in the College of Social Work, has occupied the space at this location since 2002. The Center conducts research and provides counseling services to traumatized children. As a result of a Request for Proposals, the gross lease of 11,199 square feet will be renewed effective July 1, 2015 to June 30, 2018 at a total annual cost of \$201,358, an increase of 1.3 percent.

On behalf of the Finance Committee, Trustee Stuckert moved approval of FCR 5 and it passed without dissent. (See FCR 5 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

X. Renovate Academic/Administrative Facility 3 (Combs Cancer Research Building Capital Project (FCR 6)

Trustee Stuckert stated that FCR 6 was the recommendation that the Board of Trustees approve the initiation of the Renovate Academic/Administrative Facility 3 (Combs Cancer Research Building) Capital Project.

This project will renovate approximately 2,575 net assignable square feet of the Combs Cancer Research Building animal facility. The renovated space will provide a needed bio-exclusion barrier housing unit on the east biomedical complex campus. The project also will relocate an existing bedding dispenser and install a new dry heat sterilizer and a new automated conveyor system. The conveyor system will help prevent staff injuries.

The estimated cost of this project is \$1,650,000, well within the legislatively authorized \$5,000,000 scope, and will be funded with \$484,000 of federal funds and \$1,166,000 of agency funds. Contingent upon Board approval, the University will report the use of \$484,000 of federal funds in lieu of agency funds to the Capital Projects and Bond Oversight Committee.

On behalf of the Finance Committee, Trustee Stuckert moved adoption of FCR 6 and it passed without dissent. (See FCR 6 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

Y. Construct/Replace/Upgrade Student Housing Capital Project (Fit-up Creative Arts Living Learning Program Space in Limestone Park I) (FCR 7)

Trustee Stuckert stated that FCR 7 was the recommendation that the Board of Trustees approve the initiation of the Construct/Replace/Upgrade Student Housing Capital Project (Fit-Up Creative Arts Living Learning Program Space in Limestone Park I).

The project will fit-up 8,500 square feet of shelled space in Limestone Park I currently under construction and will provide students with music practice rooms; a multipurpose art education studio; a creative writer's laboratory; performance space with large-scale visualization capability for dance, music and theatre; and rooms with the latest technology conducive for group interaction. The facility, including this project, is expected to be completed by August 2016.

The estimated project scope is \$2,200,000 and will be funded with an internal loan of \$1,072,250 and agency funds. The internal loan will be repaid by the colleges of Fine Arts and Arts & Sciences over a period not to exceed five years. Pursuant to the University of Kentucky Debt Policy, the Debt Management Committee has reviewed the financing plan and supports the proposed internal loan. The project scope is well within the existing legislative authorization.

On behalf of the Finance Committee, Trustee Stuckert moved adoption of FCR 7 and it passed without dissent. (See FCR 7 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

Z. Emergency Replacement of Central Heating Plant Boilers Capital Project (FCR 8)

Trustee Stuckert stated that FCR 8 was the recommendation that the Board of Trustees be informed and recognize the Replacement of the Central Heating Plant Boilers Capital Project as an emergency repair and approve the initiation of the project.

On March 27, 2015, the University's Central Heating Plant suffered a severe fire rendering two boilers inoperable. While the boilers continue to be inspected, both units likely need to be replaced due to age. The facility was insured at full replacement value.

Pursuant to Kentucky Revised Statutes (KRS) 45.750(1)(g) this project qualifies as an Emergency Repair, Maintenance or Replacement Project as it is necessitated by damage resulting from a disaster. The President recognized the replacement project as an emergency on May 6, 2015. Contingent upon approval by the Board, the emergency capital project will be reported to the Capital Projects and Bond Oversight Committee.

The scope of the project is not expected to exceed \$10,000,000 and will be funded with a combination of insurance proceeds and agency funds. The University will fund the cost of any enhancements such as additional capacity or greater thermal efficiency with agency funds. The amount of insurance proceeds will not be known until the damage inspection is complete. The President will report the final funding plan to the Board of Trustees once it has been determined.

On behalf of the Finance Committee, Trustee Stuckert moved adoption of FCR 8 and it passed without dissent. (See FCR 8 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

AA. Capital Construction Report (FCR 9)

Trustee Stuckert stated that FCR 9 was the recommendation that the Board of Trustees accept the capital construction report for the three months ending March 31, 2015. This report refers only to projects that had activity within this quarter. Mary Vosevich, vice president for facilities management, provided details at the Finance Committee meeting.

On behalf of the Finance Committee, Trustee Stuckert moved adoption of FCR 9 and it passed without dissent. (See FCR 9 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

BB. Patent Assignment Report (FCR 10)

Trustee Stuckert stated that FCR 10 was the recommendation that the Board of Trustees accept the patent assignment report for the period January 1 thru March 31, 2014. Interim Vice President for Research Lisa Cassis reviewed the report at the Finance Committee meeting.

On behalf of the Finance Committee, Trustee Stuckert moved approval of FCR 10 and it passed without dissent. (See FCR 10 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under agenda.)

CC. Investment Committee Report

Trustee Carol Martin “Bill” Gatton, chair of the Investment Committee, reported that the Committee met on Thursday, May 7, 2014 to review performance results and conduct other business. The Endowment pool had a market value of \$1.22 billion as of March 31, 2015. For the nine month period ending March 31, the Endowment pool increased by 0.86%, compared to a gain of 2.92% for the policy benchmark return. Diversified inflation strategies and international equities were key detractors from Endowment pool performance in the period.

DD. University Health Care Committee Report

Vice Chair Young stated that the Committee had met on Thursday, May 7, 2015. The Committee meeting began with a presentation by Dr. Andrew Cooley, who provided an update on Eastern State Hospital. Since 2013, when the state contracted with UK to operate Eastern State Hospital, much has been accomplished to benefit the patients in residence. The medical staff has been stabilized and patients have benefited from new strategies to reduce the number of seclusions, restraints and falls. Quality metrics have been established and an active treatment data collection process has been developed. In addition, community partners such as local judges have been engaged. In the future much attention will be focused on continued improvement and continuous readiness for the Joint Commission survey.

Dr. Michael Dobbs presented a Stoke Network update to the Committee. He stated that the mission of the Stroke Care Network was to improve the quality of care, preventative medicine, education and research into stroke and related diseases throughout the Commonwealth of Kentucky. The goal of the Stroke Network is to establish protocols for the prevention and treatment of stroke that can be adopted by hospital and medical centers throughout the Commonwealth. At present there are 24 Stroke Network affiliates in Kentucky, approximately eight are pending and several other facilities are in the early discussion stage. In addition, a stroke registry has been established that will collect data to promote and support value-based patient care that can be shared across the network.

Vice Chair Young stated that Chief Financial Officer Murray Clark presented the March Statistical and Financial Report. Inpatient discharges for the year continue to be strong compared to both budget and prior year. The average length of stay is above budget and is seen in the adult and psychiatric services. The case mix index is also above budget and prior year. The increase in case mix is a factor in the increase in length of stay (LOS), however, significant opportunities to reduce LOS exist and a major focus is being placed on these opportunities. Total visits for the Emergency Department are above budget by 10.8% and above prior year by 11.76%. Year-to-date inpatient operating room cases are ahead of budget in both inpatient and outpatient cases.

Outpatient cases with a hospital charge exceed budget and prior year and are consistent with the increase in the number of visits in the ambulatory clinics. Full-time equivalent hours for employees are below budget but above prior year and have increased to support overall activity. The payor mix of discharges has changed positively from both budget and prior year. The major change is in the Medicaid classification where Medicaid discharges now represent 38.5% of total compared with prior year percentage of 29.51%. The converse is the case in Patient/Charity which has dropped from historical levels of 12% to only 1.77% in the current year. Medicare discharges have risen whereas commercial/other discharges are even with last year.

The increase in net revenue has been largely driven by the impact of the change from Patient/Charity to Medicaid. The income statement reflects an increase in net revenues for the year that significantly exceeded expectations driven by volume, case mix, outliers and the Medicaid expansion program. Net revenues have outpaced expenses contributing to a significantly higher margin than budgeted. Non-operating revenues are well below budget driven by lower investment income and a bond refinancing cost. On the balance sheet cash totals have increased as a result of the increase in revenues and the sale of Coldstream Laboratories Incorporated (CLI). The \$6.0 million decrease in board designated investments reflects the loss for the year from funds invested.

Overall liabilities have decreased by \$14.1 million since June 30. The major changes in liabilities include changes in payables, accrued expenses, unearned income, debt amount, third party settlement and outstanding and deferred inflow of resources. The financial median analysis indicates total cash on hand has increased to 160.98 days, largely the result of the increase in revenue and subsequent cash collections and the sale of CLI. The operating margin and earnings before interest depreciation and amortization (EBIDA) have exceeded targets. Debt to capitalization has improved slightly since year end and cash to debt has improved and is currently above our target. The ratios to cash may decline as capital acquisitions are made in

facilities and equipment. The trend of the first nine months for the fiscal year continues to be positive, remaining above budget expectations and the prior year.

Vice Chair Young reported that Dr. Andrew Bernard, president of the Medical Staff, presented for approval the current list of privileges and credentials. The Committee made a motion to accept the privileges and credentials before them. The motion carried and was approved.

In conclusion, Vice Chair Young stated she recently met with Brett Short, Chief Compliance Officer, to review the 2015 Compliance and Risk Analysis Plan. Also reviewed and discussed was a report issued by the Office of the Inspector General that provides practical guidance for Health Care Governing Boards on Compliance Oversight.

EE. Item for Board Discussion – Code of Conduct

Chair Gannon called attention to the Item for Discussion, the Student Code of Conduct. He stated the Board had received a draft of the Revised Student Code of Conduct and Dr. Robert Mock, Vice President for Student Affairs and William Thro, General Counsel had prepared a presentation to explain to the Board some of the proposed changes in the draft.

Dr. Mock explained that in preparation for review of the Student Code, a workgroup appointed by President Capilouto was composed of members that represent a broad section of students and professionals on campus and from the Lexington community. This workgroup gathered information and data from across the country for review. He shared that the proposed policies concerning sexual assault and code of conduct are based on best practices throughout the country and the Office of Civil Rights. The Office of Civil Rights continues to provide guidelines and polices as federal law changes, evolves and is amended.

Two data surveys that have provided valuable information are Alcohol EDU and the Haven Survey. Alcohol Edu is a federally funded online alcohol awareness program and Haven is an online violence prevention curriculum. Both surveys have helped inform and shape a safer campus community. Dr. Mock shared that there will also be a mandatory longitudinal student survey regarding sexual violence, administered by the Center for Research on Violence Against Women.

Dr. Mock explained that under the current sexual assault policy, the University has a 60-day window from the time a complaint (in person or by proxy) is initially filed to investigate and provide a conclusion. UK's basis for innocence or guilt is prescribed by Title IX of the Education Amendments of 1972. Title IX prohibits sex discrimination, which includes sexual violence, and states that the school must resolve a complaint based on "preponderance of the evidence" (50.01% certainty) standard of proof. This differs from the criminal law standard which mandates "beyond a reasonable doubt" (99% certainty). Dr. Mock offered that instances do arise where the University may find guilt by the preponderance of the evidence within 60 days, but a concurrent criminal proceeding, which may take one to two years to resolve, may find the accused individual(s) innocent. The Student Code of Conduct dictates the nature of

suspension or dismissal at the time of the University's findings. UK and many institutions are faced with the dueling realities.

General Counsel William Thro explained that UK has been and will continue to be a leader in preventing sexual assault on campus. He continued that as a public institution the University is subject to the Constitution and if the punishment is significant, UK is bound by the due process clause.

Mr. Thro stated that the Office for Civil Rights has recently issued directives in the form of "Dear Colleague" letters, mandating certain new requirements on how institutions respond under Title IX to allegations of sexual assault. Within the 60-day window, four functions must be conducted by the University: investigation; prosecution; fact finding; and appeals.

The first function is investigative, "what actually happened." At UK, this function is handled by the Office of Equal Opportunity, specifically Ms. Patty Bender and a soon-to-be-hired Title IX investigator. A report and a recommendation is prepared and sent to the Office of Student Conduct. The Office of Student Conduct acts as a prosecutor and decides if there is enough evidence to move forward and find the alleged perpetrator to be responsible. At this point in the prosecution stage, there is the possibility of a plea bargain arrangement. If the case moves to further prosecution, the next function is the fact finding. A panel made up of individuals who are specially trained to deal with sexual assault will determine if a sexual assault has occurred and whether the perpetrator is responsible. Finally, regardless of the outcome of the fact finding, either the perpetrator or the victim/survivor may appeal. That appeal is also to a sexual assault appeals panel of specially trained individuals.

Mr. Thro continued that in the interest of due process, these four functions have been made separate and independent on UK's campus.

Dr. Mock noted that the language of the proposed Student Code of Conduct is modeled on the National Student Code of Conduct. In an attempt to deal more directly with every off campus issue that is brought to UK's attention, not just the most severe cases, the workgroup enlisted the aid of many constituency groups on campus and throughout the community to help inform and contribute to the language and new practices. The research surveys of entering freshman from Alcohol EDU and Haven, regarding alcohol and sexual behavior respectively, contributed to the language of the proposed revisions. The language of the Code was also reviewed for ease of reading and understanding, with less legal terminology.

Dr. Mock continued that issues like alcohol consumption, consumption of other substances, stalking, and domestic violence happen on and off campus and interface with free speech. Students use social media to discuss what they have done on and off campus. The University in turn, may utilize social media to assist in investigations or to inform decisions.

Some of the additional goals of the proposed changes to the Student Code of Conduct are to lower the number of binge drinking episodes on and off campus; to reduce the number of student interactions with the judicial process and law enforcement; to reduce the number of

interactions with the health care community; to implement an annual survey, with adjustments each year based on the data and findings; and to promote legal and responsible drinking.

Changes to the alcohol policy include limited use on campus with prescribed controls. These controls include: ID check verification; pre-registration of events through the Office of Event Planning; security in place; and no usage in residence halls, but limited usage in fraternities or sororities as part of co-sponsored events with alumni.

Another item of concern with student conduct is free speech. Mr. Thro reminded the Board that the University is a public institution and a state actor, meaning that two provisions come into play with respect to student disciplinary/student code issues. One is the First Amendment: the University cannot punish someone for what they say or their expression. Secondly, UK is subject to the Equal Protection Clause. This means the University has an obligation to refrain from discrimination and to prevent and remedy both racial and sexual harassment. Mr. Thro explained there are some contexts where the University can punish students, such as true threats and harassment that meets a critical standard. This standard states that the harassment must be so pervasive that it effectively denies educational benefits. He continued that the same rules apply to social media.

Jay Blanton, Executive Director of Public Relations and Marketing, offered that the protection of free speech in social media is a challenging and important issue. Social media reaches more people, more instantaneously, across more platforms than ever before. It also provides a cloak of anonymity that is oftentimes challenging for the institution.

Mr. Blanton explained that platforms that the University operates or controls are considered government speech. The University cannot necessarily discipline someone for their opinion, but an institution can use institutional accounts to espouse and to state its values. He offered that a paradox exists in social media. He offered that “in moments of tragedy or triumph, healing or help, social media is the vehicle that is used to galvanize, to inform, to keep people safe...At the same time, in moments of hate and harassment, social media is the tool that is used to light the match.”

Mr. Blanton explained the social media application Yik Yak. It is an application that allows people to post comments anonymously on a virtual bulletin board using GPS technology. This is what the University grapples with every day as we talk about hate speech, sexual assault, and alcohol fueled conversation.

Chair Gannon opened the floor to discussion. Trustee Wilson offered that in his review other student codes of conduct seem to balance promoting positive behavior and listing negative ones. He suggested that UK’s proposed Code is set on very legalistic terms and is excessively negative. Dr. Mock responded that most student codes were written from 1960 to the mid-1970s. There are two major references when writing student codes, “The 21<sup>st</sup> Century Model Student Code with a Model Hearing Script,” and the National Center for Higher Education Risk Management. The UK Student Code of Conduct mirrors both references.

Trustee Wilson asked how the changes to the alcohol policy will affect binge drinking and illuminate underage drinking. Dr. Mock offered that the purpose of the implementation of the strategy is to provide an example to students of the appropriate and legal way to consume alcohol. There are also hopes that more use of University facilities and University grounds will reduce the off-campus consumption. The University is trying to encourage students to drink in a safe and legal responsible manner.

President Capilouto added that alcohol consumption is a decades-old problem that many institutions struggle with. Banning alcohol on campus was not making a difference at UK. The goal is to now offer an opportunity for young people to gather with adults to model the appropriate behavior. The mandatory surveys that also will be implemented can be used as intervention. These sorts of small micro-interventions will hopefully produce a macro effect. The new policies are similar to our SEC peers.

Trustee Bryant made a suggestion to include the right to students that they must be told that anything they say can be used against them in the University investigation, similar to Miranda rights. Also, regarding the restorative action section, he offered that in the criminal court systems, judges are required by law to favor probation. If they do not probate, they are required to offer reasons why they chose another type of punishment. Trustee Bryant suggested that after a case was heard, the appeals panel would be encouraged to follow a similar protocol.

Mr. Thro pointed out that it was important to remember that sexual assault procedures were different than ordinary student code. Most ordinary student code violations are relatively minor offenses, and are where appropriate restorative actions were offered. Sexual assault allegations are more serious. As regards the idea of giving something similar to a Miranda warning, Mr. Thro replied it was something that would be explored.

Secretary Brothers asked what form the sexual harassment policy would take. Mr. Thro advised that the present form, required by the federal government, had been in place as an interim Administrative Regulation (AR) since October 2014. He offered that unless the Board of Trustees decides otherwise, it will become an AR making it applicable to both students and employees.

Chair Gannon apologized for ending the discussion early. He thanked the presenters and promised the topics would be revisited in the coming weeks.

FF. Meeting Adjourned

Chair Gannon asked for a motion to adjourn the meeting. Trustee Wilson moved approval with a second by Trustee Mobley. The meeting adjourned at 3:36 p.m.

Respectfully submitted,



Sheila Brothers  
Secretary, Board of Trustees

(PR 1, PR 2, PR 3, PR 4, PR 5, and PR 6, ASACR 1, 2,3, 4, 5, 6 and 7, FCR 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 are official parts of the Minutes of the meeting)