

Minutes of the Meeting of the Board of Trustees  
University of Kentucky  
Friday, February 17, 2023

The Board of Trustees of the University of Kentucky met on Friday, February 17, 2023, in the Gatton Student Center, Harris Ballroom.

I. Call to Order

Bob Vance, chair of the Board of Trustees, called the meeting to order at 1:26 p.m. Chair Vance asked Secretary Webb to call the roll.

II. Roll Call

The following members of the Board of Trustees were in attendance: Thomas Abell, Claude A. "Skip" Berry, E. Britt Brockman, Todd Case, Aaron Cramer, Ray Daniels, Ron Geoghegan, Brenda Gosney, Andrew Laws, Lance Lucas, Kimberly McCann, David Melanson, Paula Leach Pope, Derrick K. Ramsey, Sandra R. Shuffett, Hollie Swanson, Robert Vance and Rachel Watts Webb. Cathy A. Black and Frank Shoop attended via Zoom.

Secretary Webb announced a quorum was present.

III. Approval of Minutes

Chair Vance reported that there had been one petition to address the Board since their last meeting concerning branding at athletic events. Since the subject matter was not relevant to a pending or future agenda, the concern was forwarded to the appropriate department for review.

Chair Vance stated that the minutes of the February 17, 2023, meeting had been distributed and asked for a motion to approve. Trustee Cramer moved approval and Trustee Shoop seconded the motion. The motion carried without dissent. (See meeting minutes on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under "Agenda")

IV. Chair's Report

Chair Vance called attention to the 27 consent items on the agenda:

PR 2	Personnel Actions
ACC1	Execute Fiscal Year 2022-23 Audit Engagement Letter
ASACR 1	Candidates for Degrees: May 2023
ASACR 2	Candidate for Degree: December 2007
ASACR 3	Candidate for Degree: December 2022
ASACR 4	Academic Degree Recommendation: College of Social Work
FCR 1	Teleford Foundation Inc Grant RCTF

FCR 2	Michael and Katherine Ball Gift RCTF
FCR 3	Coaches for the Kids Foundation Inc Grant RCTF
FCR 4	Arts and Sciences Internal Endowment RCTF
FCR 5	Diamond Derby Inc Grant RCTF
FCR 6	Drs Lon and Ann Hays Gift and RCTF
FCR 7	John and Linda Price Gift RCTF
FCR 8	Approval to Enter into Swap Agreements
FCR 9	Approval to Acquire Properties
FCR 10	Internal Loan Enterprise Firewall Agreement
FCR 11	Authorization of Negotiated Disposition of Personal Property
FCR 12	Approval of Disposal of Property
FCR 13	Approval of Improvements to Lease (Bluegrass Care Clinic)
FCR 14	Approval of Improvements to Lease (Retail Pharmacy at Beaumont)
FCR 15	Approval of Lease (Plastic Surgery)
FCR 16	Approval of Lease (Georgetown Family Medicine)
FCR 17	Approval to Acquire
FCR 18	Renew/Modernize Facilities Capital Project (Memorial Coliseum)
FCR 19	Capital Construction Report
FCR 20	Patent Report
	UK HealthCare Medical Staff Privileges and Appointments

Chair Vance asked if there were any requests to remove an item from the consent agenda. Hearing none, Chair Vance asked for a motion to approve. Trustee Gosney moved approval, Trustee Shuffett seconded the motion and the consent agenda passed without dissent. (See consent agenda items on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under “Agenda”)

Chair Vance then recognized President Capilouto for his report.

#### V. President’s Report

The president began by reflecting on January 1922, when legislation was introduced to ban the teaching of evolution in schools, along with agnosticism and atheism. Pastors and politicians weighed in. Letters were written. Op-eds were placed; speeches made. “One of those in the fray was our third president, Frank McVey, the president said, “As a matter of science, he argued, that the university was bound to teach evolution ‘since all the natural sciences are based upon it.’ But even more important, he wrote, ‘Evolution is development; it is change, and every man knows that development and change are going on all the time’.”

The president continued, “Evolution began as a theory, an idea – if you could not teach it or study it you could neither prove or disprove it through debate and the skepticism typical on a college campus. Loss of freedom of speech and academic freedom is a loss of thought and breakthroughs are built on the graveyard of what “was a good idea.” The bill to ban evolution teaching failed in the state House; a few days later it went down by only one vote in the Senate.

The president pointed out that such moments are part of UK's legacy. Often moving imperfectly through an imperfect world, the university has sought to advance Kentucky in everything that it does. "We do that best when our campus is fueled by open and vigorous debate ... a deep commitment to inquiry wherever it takes us ... and the understanding that everyone – no matter who they are, where they come from, or what they believe – is welcome. Ideas matter."

He discussed how preserving the right, a century ago, for scientists to rigorously examine the theory of evolution sowed the seeds for the genetically based life-saving cancer treatments delivered today at the Markey Cancer Center. "This issue – of truly creating a marketplace of ideas on our campus – tests our commitment to being a community where everyone belongs. We have a campus, for example, where the Office of LGBTQ+ Resources is yards away from this very room, where a guest speaker recently criticized such diversity and inclusion efforts. Our campus can — and must — have room for ideas that seem to be in clear tension with each other. It is a paradox: it is the very freedom to express ideas — boldly, loudly — that ensures we have the capacity to be open to everyone, no matter who they are or what they believe."

The president continued, "In an important sense, McVey's concern more than a century ago over the teaching of the theory of evolution is the same debate in our world today over the evolution of ideas and speech. As a university, how we engage each other is critical to our capacity to create community. And creating community on this campus is essential to advancing Kentucky. As we continue these discussions in the months ahead, I offer a couple of thoughts about the intersection of ideas and speech."

The answer is often found in the commitment to ask the questions continually, humbly and patiently.

"Our first Black student, Lyman T. Johnson, said, "I lived half of my life in the darkness and half in the light." Years after his historic lawsuit that integrated UK, Johnson continued to receive death threats for challenging us and holding us accountable as Kentucky's university. And it is not lost on me that much of the time he spent at our university was shadowed by that darkness. We played a role in that darkness...but, true to our legacy, we vowed to get better.

Thirty years later, Lyman T. Johnson returned to campus – the same campus where 17 crosses were burned the summer we integrated – so we could bestow upon him an honorary doctorate degree. He recalled how, of the four honorees for that ceremony, he was surprised to be recognized first with a long speech from President Singletary about his accomplishments and contributions. And later, during an intimate dinner at Maxwell Place, President Singletary told Johnson again and again how honored the university was to award him his honorary degree.

In his memoirs, when reflecting on this experience, Johnson wrote, "It is remarkable that so much has changed in the space of 30 years — from the time I forced

my way into the university on a court order to the day the university gave me an honorary degree.”

The president continued, “Johnson kept pushing us so that we would instead be part of the light. He demanded an answer for why we were not living up to our expectations. We must realize that the conflict over speech, identity and ideas is part of who we are. We discover, improve and advance by questioning what we know and what we do not yet understand. Often, that means confronting ideas that are discomfiting. We must recognize that others in our community have very different backgrounds and beliefs. We must learn that differences over fundamental issues do not threaten but give us opportunities to thrive.”

Free speech and academic freedom are important values at our institution.

The president discussed how many universities are wrestling with these same questions. He pointed out that UK is not unique in this regard but must accept the charge to fully understand these values and honor them in and out of the classroom. At the Massachusetts Institute of Technology, a report on these issues makes the point that the constitutional protections around speech are premised on the idea that the government is not to subject its views or codes on people.

“Our Commonwealth and our campus have also explicitly codified these protections for speech, underscoring their importance as principles and emphasizing our responsibility to honor them as a public space. While there is wide latitude on our campus to say almost anything under certain conditions, this does not mean that anything goes. When someone tells a member of our community that they do not belong here, simply because of what they believe, who they are, or where they come from, we will push back, speak out and invoke our institutional values while respecting the speaker’s right to be wrong. At the same time, we should oppose interference with the expression of ideas and the flow of speech.”

The president continued, “Similarly, academic freedom – a concept sacred to who we are as a university – is a steadfast commitment to protecting everyone, particularly faculty. They explore and promote ideas on which they have developed expertise and knowledge. That knowledge is used to educate and prepare our students. In short, our faculty – and all of us in this community – are not here to tell students what to think. A favorite quote of mine is from Plutarch: “the brain is not a vessel to be filled, but a fire to be kindled.” We are here to help them discover how to think so that they might navigate a complex world successfully.”

He continued, “A professor has every right, and perhaps a responsibility, to acknowledge a traumatic event that occurs outside the classroom and impacts our community. After all, what makes us special is that we are a community that cares. A professor has every right to espouse their own theories or views if those ideas are germane to the subject matter. But that same professor should leave room for students to disagree with them. We do not ask students to repudiate their own beliefs inside the

classroom. Indeed, the students have every right to question or disagree. There is a difference between a lectern for learning and a pulpit for proselyting. The university's mission is education, not indoctrination."

"Our faculty and this community, I believe, understand and honor this idea. I have seen it up close. Fidelity to principles of speech and the expression of ideas – and the laws and regulations that protect it – is crucial to who we are and what we do. But, so too, is our responsibility to honor our values that aim to ensure we are a welcoming and inclusive campus for everyone who seeks to find a home here. We all have a right to feel like we belong. Our job is to create and sustain such a community."

In closing the president shared a story from a recent event, "The UK International Center hosted a reception for more than a dozen students from Afghanistan who are now studying at UK. They are the beneficiaries of a bipartisan effort in the Kentucky legislature last year to fund scholarships for these displaced students. Their studies at the American University in Kabul were disrupted and, by 2021, they had fled to other countries. Now, because of the efforts of policymakers, they are studying at UK. There was a realization among policymakers that our common humanity is so much more powerful than divisions sown by war, hate or fear."

"As we have done before, we must find ways to lead in this space too, based on the understanding of, and devotion to, the idea that we are one community, welcome to everyone."

### PR 3 Staff Emeritus

President Capilouto introduced PR 3, a recommendation that the Board of Trustees confer upon D. Michael Richey the title of University Staff Emeritus in recognition of his many years of service, dedication and loyalty to the University of Kentucky.

"As many of you know, Mike Richey served the university for nearly 50 years and in doing so, built a remarkable career, which has made an indelible and lasting impact on his alma mater. Mike came to UK as a freshman student and never left. He earned two degrees in agriculture and began his long career in 1973, spending several years in the College of Agriculture, Food and Environment establishing model programs in student affairs, alumni relations and fundraising.

In 1998, he moved to central campus to help create and expand fundraising initiatives for the university's first \$1 billion campaign. Most recently, he served as Vice President for Philanthropy and Alumni Engagement and was responsible for all the university's philanthropy and alumni programs. During his tenure, Mike helped raise more than \$2.5 billion to support scholarships, national awards and university-wide recognition.

Upon Mike's retirement, the Alumni Association restored the Founders Day Award which has not been given since 1958, and recognizes individuals who personify goodwill

and demonstrate, through their work, service, mission and spirit, a dedication to the Commonwealth of Kentucky and its residents.

Mike has received national recognition for building one of the elite agricultural advancement programs among land grant institutions and for his leadership in student development. He likewise was awarded the prestigious Sullivan Medallion for his service to the University of Kentucky community.

Mike has distinguished himself and brought great distinction to the University of Kentucky and the Commonwealth of Kentucky during his tenure and is truly deserving of the honor of University Staff Emeritus, as conferred by the Board of Trustees. I am so pleased he is here with us today with his dear and supportive wife, Susan.”

Chair Vance asked for a motion to approve PR 3. Trustee Brockman moved approval; Trustee Shoop seconded the motion. In the way of discussion, Chair Vance stated, “President Capilouto mentioned Mike’s responsibility for over \$2.5 billion throughout his tenure at UK; in the fall of 2018, we kicked off a \$2.1 billion Capital Fund and I understand we are currently at approximately \$1.92 billion which we would not be near that figure without Mike Richey. Any other discussion?” Hearing none, PR 3 passed without dissent. Mr. Richey was recognized with a standing ovation. (See PR 3 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under “Agenda”)

#### PR 4 Honorary Degree Recipient

President Capilouto introduced PR 4, a recommendation that the Board of Trustees approve awarding an Honorary Doctor of Humane Letters to W. Lawrence Patrick, as approved and recommended by the University Faculty.

Chair Vance asked for a motion to approve PR 4. Trustee Pope moved approval, Trustee Cramer seconded the motion, and PR 4 passed without dissent. (See PR 4 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under “Agenda”)

#### PR 5 Gluck Equine Research Foundation Board Reappointments

President Capilouto introduced PR 5, a recommendation that the Board of Trustees approves the reappointments of Clifford Barry, Adam Bowden, Cormac Breathnach, Gary Bush, Harold V. “Bo” Goodman and Ned Toffey to the Board of Directors of the University of Kentucky Gluck Equine Research Foundation, Inc. for a term, ending May 2026.

Chair Vance asked for a motion to approve PR 5. Trustee Shuffett moved approval, Trustee Geoghegan seconded the motion, and PR 5 passed without dissent. (See PR 5 on the Board of Trustees website, [www.uky.edu/Trustees](http://www.uky.edu/Trustees), under “Agenda”)

## VI. University Health Care Committee Report

Trustee Brockman reported that the University Health Care Committee met the previous day and heard reports from Acting co-EVPHA Bob DiPaola and Eric Monday. They have begun meeting with the chairs of the College of Medicine's clinical departments and the teams leading the health system's major entities to review data and assumptions in preparation for a mini-retreat at the April meeting.

Dr. Brockman reported that Chief Diversity Officer Tukea Talbert presented information to the Committee on how UK HealthCare is working to identify gaps for vulnerable populations and address those needs. Additionally, Chief Physician Executive Jay Grider and Chief Nursing Officer Gwen Moreland discussed UK HealthCare's gains in quality, safety, efficiency and value-based care.

The Committee recommended approval of seven FCRs that included the purchase of an additional 14 acres in the Hamburg development along I-75 and the acquisition of property needed for the new outpatient location of the Markey Cancer Center. Chief Financial Officer Craig Collins reported FYTD23 December financials and pointed out that positive investment income helped UK HealthCare finish the month 2.8 percent above budget.

Lastly, the Committee approved the list of privileges and appointments submitted by the UK HealthCare Active Medical Staff.

## VII. Other Business

Chair Vance asked if there was any further business to come before the Board.

## VIII. Adjournment

Hearing no further business, the meeting adjourned at 1:56 p.m.

Respectfully submitted,



Rachel Watts Webb  
Secretary