

To: Dr. Ernie Yanarella, Chair  
University Senate Council

November 4, 2005

From: Davy Jones, Chair  
University Senate Rules Committee

## **I. BACKGROUND OF COMMITTEE ASSIGNMENT**

At its meeting of June 10, 2005, the UK Board of Trustees approved a sweeping revision to its Governing Regulations. That revision contained changes in the University's organization and governance structure involving, among other things,

- the move to a Provost System;
- the departure of Lexington Community College;
- redefinition of memberships of the statutory body "faculty of the university" and faculties of the educational units;
- clarifying the policy/decision-making powers of the dept./college/school faculties and placing the University Senate/Senate Council in a stronger position to promote and secure that unit faculties exercise that authority;
- designation of elected Faculty Senators as authorized to perform statutory actions on behalf of the University Faculty

The Senate Council charged the University Senate Rules and Elections Committee (SREC) to perform a similar global revision to the University Senate Rules, to reflect each of the above changes in the higher Governing Regulations, as well as to update the University Senate Rules for current practices and other general "clean up." The last time that a global revision of the University Senate Rules of this scope was performed was in the early 1970s, consequent to the last occasion (May 1970) that the Board of Trustees' Governing Regulations were similarly globally revised.

## **II. COMMITTEE APPROACH TO ITS ASSIGNMENT TO UPDATE SENATE RULES**

One Section at a Time. Beginning in June 2005, the SREC has been meeting nearly every week on this mammoth task. Nearly six months later, the SREC has now completed drafting the revisions to Section I of the University Senate Rules, and a related part of Section V. In the committee's view, this is the most important and urgent part of the *University Senate Rules* to first revise, because it contains the codification and implementation of the change in governance relationships of the various University Senate instruments to the various faculty bodies and academic administrators of the university. This governance organization is the framework upon which the orderly functioning of all other University Senate processes depends. Hence, the SREC inquired to the Senate Council, and the Senate Council agreed, that rather than hold this work product in abeyance until all other sections of the University Senate Rules became redrafted (which could take the remainder of the academic year and perhaps more), the top priority would be to get these now completed parts of the University Senate Rules into the hands of the Senate Council and Senate for timely action.

Input Solicited from Senate Committee Chairs. In attending to updating the charges to the various Senate council/committees, the Chair of the SREC contacted the chairs of each of these bodies and asked for their committee input on any particular changes to the statements of charge that warranted updating. All feedback received from this solicitation has been incorporated. Similarly, with respect to the section on the Senate Council Chair, the Chair of the SREC met with the current Senate Council Chair and the two previous Senate Council Chairs (who are now the two Faculty Trustees). That contact secured specific suggestions on how the section on duties of the Senate Council Chair could be helpfully clarified, without actually changing the dimensions of the present charge and activities of that office. The ex officio membership of the Assistant Provost for Enrollment Management on the SREC also proved very helpful to ensure in several places that the draft University Senate Rules captured correctly current University Senate committee practices.

(I add that I was a member of the Senate Academic Planning and Priorities Committee that, with an eye on the change to a Provost System in 2001, drafted in the 2002-2003 academic year suggested revisions corresponding Senate/faculty-related sections of the Governing Regulations. Those draft revisions were adopted by the University Senate Council/Senate in spring 2002. I was then on the President's committee that for the next year began with that draft as a template, and which further and more fully globally revised the Governing Regulations into the form that was adopted (with minor subsequent administrative tweaking) by the Board in June 2005. That prior experience was particularly helpful in discerning with the other SREC members the intent of the changes made to the June 2005 Governing Regulations, so that our corresponding draft revisions to the University Senate Rules would closely capture and dovetail the meaning of the new Governing Regulations).

### III. SOME PERTINENT ASPECTS OF DRAFT REVISION TO SECTION 1 AND (PART OF) SECTION 5

The SREC has now completed and attaches here its approved draft revisions to Section I and Section V (subsection 5.4) of the University Senate Rules, for the action of the University Senate Council/Senate. In order to assist the University Senate Council/Senate in digesting the changes on these pages, some of which are very substantive and others being purely editorial/organizational, there are briefly pointed out below some of the more substantive changes incorporated here from the new Governing Regulations.

#### A. GOVERNANCE POSTURE OF THE ELECTED FACULTY SENATORS

1. Membership Definitions. Because the new posture of the elected Faculty Senators relates to their origin from the respective college faculties, which in turn relates to the membership of the university-level governance body “the University Faculty,” the SREC felt it is very important to (briefly) at the outset of Section I state the defined membership of each of these bodies, and to identify their respective educational policy-making functions.
2. Educational Policy Definition. The Senate has long been designated by the Board as a primary educational policy-making agency of the University. The current *University Senate Rules* provide no specific definition as to what activities are within the sphere of educational policy-making. Hence, the SREC felt that at the outset of the rules, it is crucial to define what constitutes educational policy-making, taking advantage of language in the new GRs.
3. Graduation Policy-making/Degree Recommending Role of “the University Faculty.” Under the state law (KRS 164.240), the members of “the faculty of the university” (“University Faculty”) decide the conditions upon which students attain the status of “graduates” of the respective courses of study leading to degrees, so that it can then recommend to the Board such graduates for the award of the respective degrees. These functions, under the GRs to be performed by the elected Faculty Senators as “representatives” of the University Faculty, are now identified in the draft *University Senate Rules*. (It becomes clear that the Faculty Senators’ approval of the ‘degree lists’ for submission to the Board of Trustees culminates its exercise of authority that comes directly from state law to the University Faculty.
4. Conditions and Recommendations for Honors Associated with Degrees. Additional statutory functions of the University Faculty are to recommend to the Board of Trustees conditions for honors associated with degrees, and of specific persons to receive those honors, all for final Board approval. These honors include both what are commonly understood as graduation honors to graduating students, and Honorary Degrees to other persons. The Board has delegated to the University Faculty final approval authority for both conditions for and specific awards for graduation honors (“degree honors”). The Board has retained final authority for conditions and specific awards for Honorary Degrees, where final Board action is dependent though upon the recommendation of the University Faculty. Section V.5.4-5.5 of the University Senate Rules has been substantively expanded to fully delineate how the Honorary Degree process operates and the role of the elected Faculty Senators in that process in relation to other bodies and individuals.

#### B. GOVERNANCE POSTURE OF THE DEPT/SCHOOL/COLLEGE FACULTY BODIES

The new GRs make now very clear the final educational policy-making authority that is possessed by the educational unit faculty bodies (as distinct from the management authority possessed by the administrative chain of command), except where that authority is expressly reserved by the Senate to itself. The new GRs also expand the ability of the Senate to delegate authority to the unit faculty bodies, and make the Senate Council office responsible to receive and maintain the Rules documents “established” by each unit faculty. Each such unit Rules document is to correctly reflect the authority or responsibility delegated to that unit faculty by the Senate. The revised Senate Rules reflect the posture of the Senate to monitor that the rules structure of each unit secures its faculty exercising its delegated Senate authority.

#### C. POSTURE OF THE SENATE CHAIR

The June 2005 GRs contain provisions newly emphasizing the academic role of the University President as Chair of the Senate. The SREC has interpreted these provisions as an expression of expectation by the Board of Trustees of a cooperative interaction between the President and University Senate apparatus. Therefore, in the draft revised Senate Rules, we have brought together into a single place in the Senate Rules the otherwise widely scattered provisions of the Governing Regulations that expressly identify the academic functions of the President in the capacity as Senate Chair.

#### D. POSTURE OF THE SENATE COUNCIL CHAIR AND VICE CHAIR

Much thought has gone into rectifying the difficulty expressed by Senate Council Chairs in discerning from the *University Senate Rules* just what their responsibilities are. Until now, the statements of these responsibilities have been widely scattered in the various sections of the rules, as well as in various administrative policies (relating to the SC

Chair's role as personnel supervisor over SC Office staff) and as well in various state laws (e.g., as Presiding Officer re: Open Meetings Law). These various responsibilities arising from the various capacities are now brought together into a single place in Section I of the draft rules. Also included are some *ad hoc* activities that invariably become incumbent upon the SC Chair, without having been previously directly stated in policy form. Attention has been given to the statement of duties for the SC Vice Chair because some of this officer's duties have been *ad hoc* and not codified since the Registrar ceased in 1999 being the Secretary of the Senate, and some of which relate to the need for the SC Vice Chair to be poised to *ad hoc* assume if need be the Chair's responsibilities.

#### E. UPDATING OF COMMITTEE CHARGES

The updating of charges to two committee charges are of particular note. The charge to the Admissions Advisory Committee was unfortunately partly in Section I of the University Senate Rules and partly in Section IV. Further, there appeared to be contradiction between those two sections as to parts of its charge. Therefore, the SREC spent much time merging together in the most compatible way all passages pertaining to the committee charge, and in separating from the pure statements of charge the actual policies of the University Senate concerning criteria for admission. The SREC moved to Section I all provisions relating to charge, and moved to Section IV all statements relating to criteria for admissions. In view of the current attention being publicly given to UK admissions policy, and in view of the apparent confusion related to the Senate Council by an academic administrator over where lies the authority to establish admissions criteria, the SREC felt that these clarifications to this particular committee are particularly urgent.

The details of the statement of charge to the University Senate Advisory Committee on Privilege and Tenure have also been substantively filled in to reflect current practice. Despite the fact that this committee is one of the most important Senate committees that directly affects the career outcome of UK faculty, and despite a number of difficulties that have occurred in relation to the scope of its jurisdiction and its relationship to other University entities, its statement of charge and procedure has not been updated for several decades. Hence, incorporating the impact of a number of suggestions from the committee in its past annual reports, and incorporating the impact of conversations with a number of previous chairs of the committee, the statement of charge and procedure for this committee has been expanded and organized into subsections to help ensure the effectiveness of operation of this committee.

#### F. ADDITIONAL GENERAL POLICY ISSUES SUGGESTED FOR SENATE/SENATE COUNCIL TO CONSIDER

1. **SR 1.2.2.4** – Ex Officio Non-voting Members of the University Senate. The new Governing Regulations now make the University Senate solely responsible for determining whether there will be any *ex officio* non-voting members to the University Senate, and if so, determining who they will be and what privileges they otherwise possess. Would the Senate Council please discuss what, if any, *ex officio* members that it will recommend to the University Senate?
2. What policy needs to be codified with respect to the Winter Intercession – is it still pilot or is it now policy?
3. **SR 1.4.3.1** - Should the (currently appointed) body that handles the matters for the University Studies Program also be the same (currently elected) body that is the Undergraduate Council?
4. **SR 1.4.3.0.B.9** - “*The University Studies Committee shall employ the principles and learning objectives approved by the University Senate for evaluating the alternate routes for satisfying the Oral Communication requirement in University Studies.*” What is the (intended) effect on this provision of last year's Senate action about the Oral Communications requirement?
5. **SR 1.4.3.3.D** – The Senate Academic Advising Committee shall ... “*Set standards for the quality of academic advising.*” What actual *versus* intended effect of force is this action to set advising “standards”?
6. Should all new Senators, new Senate Council members and the new Chair/Vice Chair of the Senate Council take office on the same date, e.g. in August (elections the preceding February)?
7. **SR 1.1.0.C** - Should the Senate Council or SC Chair possess literally such broad authority to waive Senate Rules – e.g. so as to be empowered to waive all rules that create/charge all Senate committees, or to waive all Senate Rules on the parliamentary conductance of Senate Meetings, or to waive all Senate Rules on the composition of the Senate Council, etc.
8. **SR 1.2.2.1** - What ought to be the status of the “undeclared” students in their counting and representation in the Senate Rules?