

Senate Council Minutes
July 12, 2004

The Senate Council met on Monday, July 12, 2004 at 3:00 pm in the Keeneland Room of the Young Library and took the following actions:

1. [Minutes from May 10, 2004](#)

The Chair asked if there were any corrections to the minutes. There being none, the minutes were approved as written.

2. [Proposed Graduate Center for Toxicology reorganization](#)

The Chair introduced the item and provided some history. He thanked Watt and Vore for attending and invited the Senate Council to ask questions of them. Tagavi asked if this item was for discussion or action. Yanarella replied it had the potential to be both. Tagavi then asked that we entertain two separate motions: one to waive/suspend Senate rules in order to approve this proposal without referral to the Senate and to the appropriate Senate committee and if that passes then one to consider the merit of the proposal.

Cibull made a **motion** to act on behalf of the Academic Organization and Structure Committee and the full Senate. Bailey **seconded** the motion.

Watt provided some history on the item, saying it had been born from the creation of the College of Public Health proposal and had been under consideration by the Graduate Center for Toxicology for some time. Watt said the three central issues he and Vore discussed pertained to salary issues for three faculty member, space allocation, and the addition of some faculty lines. He noted the current Memorandum of Understanding detailed the arrangements reached as a result of the discussions.

Watt addressed the need to expedite the process and suggested the Senate should meet on a twelve-month basis. He said, "As we move toward one University there needs to be, and I've talked to Ernie about this, we need to acknowledge that the University is on a 12-month operational basis. The Medical Center certainly is, even though a number of colleges in the Lexington campus are on a 9-month basis. Agriculture for example is an exemption since they are on a 12-month basis. We need a body to represent the faculty's point of view and they need to be able to take action during these critical summer months rather than simply leaving things in hiatus."

Watt said that since salary money was involved, the reorganization should be approved expeditiously so the faculty involved could receive the higher salary level in July rather than September. He said he was unwilling to pay non-College of Medicine faculty with that college's money unless he had some indication the proposal would be approved. Watt noted the second need to approve the proposal quickly was due to uncertainty regarding space allocation in the new research building. Though Toxicology does not have to be a part of Medicine in order to obtain space in the new building, he suggested he would like to know where Toxicology would be located before making those decisions. Watt reported having asked the Chair to consider asking the Senate Council to take action in lieu of the full Senate.

Vore said discussion regarding this issue had been taking place among the faculty in Toxicology for roughly two years. She said the faculty did not have a strong desire to be relocated anywhere besides Medicine. Vore noted the only question had been whether to stay in the Graduate School or to move to Medicine. Vore noted the urgency in approving the proposal related only to the salary issue and added that neither the faculty nor the unit had been rushed in reaching its decisions or forming understandings with the College of Medicine and Watt.

Jones supported Vore's statement. He suggested that the majority of the Toxicology faculty, including the core faculty and the joint faculty, would be in support of moving to the College of Medicine.

Bailey asked why the proposal had not been forwarded prior to the end of the Spring semester. Watt said the faculty took awhile to resolve the various issues involved. Vore added she was hesitant to discuss details until having the opportunity to meet and speak to the new Dean of the College of Medicine, Perman.

Staben asked if the faculty could be paid retroactively if the proposal was not approved until the first Fall Senate meeting. Watt indicated that while it was possible to do so, it was problematic and he preferred not to, since it would again involve paying non-College of Medicine faculty with College of Medicine funds.

Debski asked if he could effect this transfer without going through the Board for approval. Watt replied that he could, in that the Provost and the President

approved the salary proposals. Tagavi asked if the salaries were effective July 1 or on the date of the transfer. Watt replied they became effective on the date of the transfer. Tagavi inquired into what harm would be done if the faculty in question did not receive their new salaries until the Fall. He added that the Senate Council has a process it should adhere to, and that he could not tell the Senators he decided to not consult them on this reorganization due to salary issues and options Watt was not willing to take. Watt replied he did not think the retroactive salary arrangement was possible.

Jones noted that the transfer of Toxicology would not be official until approved by the Board in September, adding that even the President was advisory to the Board. Watt noted the Board would not likely reject a proposal that came forward with the approval of the Senate Council.

Cibull noted the main thrust of the conversation should revolve around Toxicology's need to move forward, adding that if the Senate doesn't meet twelve months a year then Tagavi should tell the Senators a decision was made by the Senate Council because the Senate was not in session. Tagavi replied there was no provision in the Rules allowing the Senate Council to approve items on behalf of the Senate when the Senate isn't in session unless we determine that this is an emergency.

Debski strongly objected to the notion, initially raised by Watt's statement that the Senate ought to meet twelve months a year, that faculty on nine and ten month appointments are deficient by not performing University work during the summer. She noted that such comments appear to take for granted the uncompensated University service work that many nine and ten month faculty perform during summers. Jones strongly supported Debski's statement, emphasizing that when nine and ten month contract faculty perform University service work during the summer, they are doing so without pay all the while that twelve month contract faculty are being paid for performing the same activities.

Debski asked if Watt simply required a sign that the Senate Council would forward the item to the Senate with a positive recommendation or if he sought a vote. Watt replied he was seeking a vote to approve the transfer. He said that if the Senate Council was not willing to take a vote, then he would wait until Fall when it would be taken to the Senate.

Grabau noted that the blanks on the routing sheet pertaining to the approval of the Provost and the President had not been completed and asked Watt to

expound on his statement that the proposal had been approved by them. Watt replied that during the CPH approval process he had discussed the Toxicology idea with the Provost who expressed support and discussed it with the President. Grabau asked if those salary numbers would have gone through the salary packet in the most recent Board approved budget. Watt replied they were not, since approval of the proposal was yet to be obtained. Grabau asked if the Medical Center academic Deans and the Academic Council of the Medical Center have been consulted yet. Watt replied that if the academic deans were consulted it would be to inform them of what was happening. Ms. Scott noted that under Senate Rule 3.2.2 it was the purview of the Academic Organization and Structure Committee to determine if the proposal should be heard by the Academic Council of the Medical Center.

After further discussion about the benefits of voting in favor of approving the proposal, including Toxicology's ability to begin integration with the IBS program and the ability to begin recruiting for two new faculty lines, Jones asked how soon Watt needed an answer in order to pay the three faculty members in question their new salaries for July. Watt replied that a couple of weeks would still allow time for payroll to be adjusted.

The Chair thanked Watt and Vore for attending and they departed.

The Chair read two paragraphs from SR 3.3.2.1 which outlined the Senate Council's reliance on the Academic Organization and Structure Committee when making decisions regarding reorganization of units. The Chair also noted that under SR 1.2.1.1.H the Senate Council could act for the Senate in emergency situations, noting that SR 3.3.2.1 could be waived in light of SR 1.2.1.1.H. The Chair asked the Senate Council members if this issue was pressing enough to be considered an emergency and expressed his opinion that it was not.

Debski said she was reluctant to act without consulting the Senate and preferred not to bypass the Committee of the Senate to whom responsibility for investigating this proposal was delegated under Senate Rules. Debski expressed interest in allowing an opportunity for faculty to have input, especially the faculty who are on nine-month contracts who are associated with Toxicology but who may not have had the opportunity for input. She also suggested that the salary and space arguments were not compelling.

Duke agreed, though she did note that the routing sheet indicated that the pertinent faculty groups had been consulted. Duke said that while there seemed to be no argument against the proposal, she did not feel that she had enough information to make that decision without relying on the Committee.

After further discussion a **vote** was taken. Three voted in favor of the motion with five opposed. The motion **failed**.

Duke made a **motion** to expedite the process by sending the proposal to the Academic Organization and Structure Committee for its consideration in a timely matter, before the next Senate Council meeting. Debski **seconded** the motion.

Bailey said he could convene his committee, but noted he would be out of town for the next week. He noted that the expeditious work of the committee would not produce the desired result since the Senate Council essentially just voted to not consider this item an emergency. Debski noted the Senate Council could reconsider the proposal at a future time.

Staben suggested gaining the input of the Academic Council of the Medical Center. The Senate Council members expressed consensus supporting this idea. Ms. Scott will contact the APMC support person accordingly.

Bailey asked if his committee was being charged to determine if the proposal had merit or if it was an emergency. Jones, Dembo and Duke suggested that in the process of determining merit the committee might also discover whether or not an emergency exists. The Chair noted that in some cases the definition of merit could be elastic enough to include such things as the timeliness of the proposal and pros and cons of acting versus waiting to act.

Tagavi asked if this item could be posted to the Senate web site on a ten-day circular. That way a final approval on August 25 would allow new salaries for August for the faculty. Ms. Scott replied that items of this magnitude had not been posted before and that under the Senate Council's internal operating procedure should be heard at a live Senate meeting, should the Senate Council members ultimately decide to send it forward rather than acting on the item themselves.

The Chair called for a vote. The Senate Council members voted unanimously in favor of the motion. The motion passed. Ms. Scott will convene a meeting

of the Academic Organization and Structure Committee as expeditiously as possible.

3. Vice-Chair Elections

The Chair noted the seat was vacant due to Saunier's resignation subsequent to the transfer of LCC to KCTCS. He announced the two nominees were Bailey and Tagavi and asked them each if they were willing to serve. Bailey accepted while Tagavi declined. A vote was taken and Bailey will serve as the new Vice-Chair of the Senate Council.

4. Senate Committee Assignments

Dembo suggested the committee structure of the Senate should be reconsidered and revised, noting that some committees never even meet. The Chair agreed. Tagavi suggested putting a number by each committee to indicate how many members the Senate Rules required for each Senate Committee. Debski requested that in addition to the names of the current and proposed members, the names of those who were rolling off be included as well.

Cibull made a **motion** to table the item until the additional information can be provided. Debski **seconded** the motion. The motion **passed** unanimously. Ms. Scott will gather the additional information for approval at a subsequent meeting.

5. Provost's Liaison to Senate Council

The Chair announced that he received an e-mail from the Provost in which the Provost suggested appointing a liaison from his office to attend the Senate Council meetings as a communication link. The Chair said that he informed the Provost that while the idea was promising, he felt compelled to consult the Senate Council to discuss the idea and to explore what provisions or limitations should be in place.

Jones noted that under open meeting laws the Provost's liaison could attend the meetings even without the blessing of the Senate Council. The Chair said the liaison would be more of an active participant than an observer, but would obviously not have voting privileges.

Tagavi suggested inviting a liaison only to the particular meetings at which it seemed useful to do so. Staben spoke in favor of having a standing invitation, since most of the issues discussed by the Senate Council would most likely be of interest to the Provost. Cibull agreed with Staben, noting that many prolonged discussions could be avoided if the liaison was able to provide helpful information that answered the Council members' questions.

The Chair noted the Provost's commitment to maintaining open lines of communication, noting his bi-weekly lunch meetings with the Provost as further evidence of this commitment. Jones added that issuing an invitation for a liaison to attend would reciprocate the Provost's invitation to the Chair to attend the Dean's Meetings. The Chair concurred, noting that his activity at the Dean's Meetings had not been limited in any way.

Tagavi expressed concern about adding to the membership of the Senate Council on the grounds that it may stifle candid conversation. Cibull said a liaison was not a new member. Tagavi asked if the liaison would have speaking privileges and ability to move and second motions. Debski pointed out that all Senate Council guests were permitted to speak. The Chair said the liaison would not be permitted to make or second motions

Bailey spoke in favor of the suggestion, noting that the liaison might also prove to be somebody with whom the Provost floated ideas. Staben wondered if the office of the Associate Provost for Programs was being suggested or the current occupant of that office, Richard Greissman. The Chair said it was the position, and suggested it could be approved on an annual basis, if the Senate Council saw fit to do so.

Cibull made a **motion** to extend to the Provost an invitation to appoint a liaison to the Senate Council. Debski **seconded** the motion. The Chair suggested having a discussion on the listserv subsequent to the meeting in which provisions or limitations on the liaison's attendance or participation could be explored.

Bailey offered the friendly **amendment** of adding that the liaison would be the guest of the Senate Council. Cibull rejected the friendly amendment. Debski suggested the friendly **amendment** of adding "on a yearly basis". Jones suggested "for the 2004-2005 academic year". Cibull accepted Debski's friendly amendment and "on a yearly basis" was added to the motion.

Bailey made a motion to add “as a guest” to Cibull’s motion, with a second by Tagavi. Cibull spoke against the motion on the grounds that the liaison would be present to work with the group, not sit as a guest. The Chair noted that his invitation to the Dean’s Meetings wasn’t offered so he could sit there mute while business was conducted and didn’t think this invitation should be offered with that sort of implication.

A **vote** was taken on the motion “to extend to the Provost an invitation to appoint a liaison to the Senate Council on a yearly basis as a guest”. Three voted in favor of the motion with five opposed. The motion **failed**.

Tagavi offered the friendly **amendment** of changing “on a yearly basis” to “for the 2004-2005 academic year”. Cibull accepted and Debski’s second stood. The motion **passed** unanimously.

6. Academic Committee’s Appointed by the President

The Chair noted there were several vacancies on some of the Senate advisory committees and suggested those who were interested in serving notify Ms. Scott via e-mail by Wednesday. Cibull asked Ms. Scott to re-issue the call for nominations to the Senate Council via e-mail. Ms. Scott agreed to do so. Tagavi nominated himself to serve on the Appeals Board.

Other Business:

Ms. Scott announced two University-wide committees on which Senate Council representation was necessary. The Make the Difference review panel requested a representative, as did the President’s Commission on Women. Cibull agreed to serve on the Make the Difference review panel and Duke agreed to serve on the Commission. Ms. Scott will forward their names to the appropriate people.

The Chair reminded the Senate Council members that previous discussions regarding a possible LCC liaison to the Senate Council were still on-going. Cibull suggested asking Peggy Saunier to whom such an invitation should be issued. The Chair will do so.

New Business:

Cibull expressed concern over the case of Dr. Ahmed and expressed alarm that the case was not being handled in an expeditious manor. Cibull inquired

as to what may be hindering the Senate Advisory Committee on Privilege and Tenure. Jones noted that the Chair of that committee was no longer serving in that capacity and that the President had yet to appoint a new Chair. Dembo noted that he received an e-mail shortly before his term as Senate Council Chair ended in which the outgoing committee Chair informed the President of the need to appoint a new Chair as soon as possible. Tagavi added that if the President did not assign a Chair the remaining committee members could elect their own Chair from amongst themselves under Robert Rules of Order. The Chair agreed to take the matter of assigning a Chair to the President in a communication as quickly as possible.

There being no further business, the meeting adjourned at 5:11 pm.

Respectfully submitted by
[Ernie Yanarella](#), Chair

Members present: Bailey, Debski, Dembo, Duke, Grabau, Jones, Staben, Tagavi, Yanarella.

Guests present: Vore, Watt

Prepared by [Rebecca Scott](#) on July 13, 2004.