

Senate Council
February 4, 2019

The Senate Council met in regular session at 3 pm on Monday, February 4, 2019 in 103 Main Building. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise.

Senate Council Chair Jennifer Bird-Pollan called the Senate Council (SC) meeting to order at 3:00 pm.

1. President Eli Capilouto - Joint Advisory Working Group on Sexual Assault and Sexual Harassment Policies

The Chair welcomed President Eli Capilouto. President Capilouto thanked those present for all their work and moved immediately to the agenda item. He explained that he solicited ideas for membership on the Joint Advisory Working Group on Sexual Assault and Sexual Harassment Policies and members were ultimately appointed in terms of representation of respective groups, consistent with the final description of the Working Group. He added that it was important to get different perspectives and areas of expertise when forming a group. The membership of the Working Group was ready just prior to the winter break, so it was ready to convene now.

President Capilouto explained that while in prior conversations it was expected that a chair would be one of the faculty members, he suggested that appointing Bird-Pollan [the Chair] as one of the co-chairs met that standard. He added that she had valuable expertise from her previous experience with a similar advisory group and that it would be missed if she did not continue. In addition to Bird-Pollan, President Capilouto explained that he also wanted to include Executive Director and Title IX Coordinator Martha Alexander, who dealt with such issues regularly and whose experience, perspective, and judgements also qualified her to be an excellent co-chair.

The President noted that the Department of Education had recently published proposed regulations and received many comments during the comment period, although there was some debate about whether those comments would change the final version of the regulations. The President said it was likely that changes to federal rules and regulations [related to sexual assault and sexual harassment] would bring changes to campus and that he would value the Working Group's input. He added that he would also be interested in the Working Group's comments on how UK's policies might impact someone's decision whether or not to report an incident, especially as such factors affect UK's prevention efforts. President Capilouto reiterated that UK would do its best to make sure that students have full access to education at UK and that their experiences are not in any way compromised due to sexual assault or sexual harassment. He noted that UK's policies extend to the workplace for faculty and staff and explained that there were many factors involved in prevention and their risk factors were immense. He stated that prevention was extremely important.

The President closed by adding that the Working Group might include some ex officio members. There were many units on campus that hold general responsibility for wellness, particularly for students. He said that he would be turning to those groups with further questions on holistically reviewing health and wellness issues, especially for students. He then said he was open to any questions.

Blonder asked if there was an anticipated timeline for the Working Group. The President said that the original description called for the Working Group to be in place for at least one year. He planned to ask the Working Group to invite feedback from campus, particularly because the Working Group will be asked to identify what areas might be affected by changes in federal guidelines. For the areas in which UK will have more flexibility and decision-making ability, President Capilouto explained that the Working Group could dive deeper to more fully understand issues, as well as get feedback from various

constituents on the best possible practices. He commented that forums were one option for soliciting feedback acknowledging that such a format had some drawbacks, so other methods of communication should be discussed. He thought the Working Group would last for at least a year, perhaps longer; the issues would likely remain. Also, it was important to establish and build on institutional knowledge about such issues.

Tagavi asked the President to describe the President's decision making process, particularly how he would broach an issue when an issue involved choices that were not "right or wrong" (such as "preponderance of evidence versus clear and convincing"), but rather involved two viable choices. In response to the President asking about what Tagavi would consider, Tagavi replied that he would use the factors involved to come to a personal decision of what was right or wrong. He again wondered how to make a decision when there was no clear right or wrong answer. President Capilouto said that he expected the Working Group to do primarily the same and consider issues broadly, but also evaluating the possible impact on an individual's decision whether or not to report an incident if certain rules or standards were proposed. He noted that he expected to hear all sides of these and related issues, perhaps again, because he did not expect there to be wide consensus on things for which there was little consensus in the past.

Brion said she hoped the Working Group would find traction and be able to evaluate issues from many levels, considering different standards of proof for different situations. She noted that there was a lot of work to do and it was all very complex. The President agreed with Brion's comment about complexity and added that he did not read investigations that UK conducted, unless reading one was necessary. President Capilouto explained that he rarely made day-to-day decisions involving such processes – that only occurred when the details of cases became something that he learned about in an appropriate way, such as through court proceedings. He said that in talking with people who deal with such issues every day, most situations are complex and in gray areas.

Blonder asked if the President had spoken with other university presidents about how their universities were approaching policies related to sexual assault and sexual harassment. The President responded that there was a meeting of presidents at a recent national meeting, which included a panel discussion on those issues. He was not sure if other universities were setting up committees like the one about to be convened at UK, but indicated that he expected other university presidents were having similar conversations in some way.

Noting that some campus groups included lay people from the community as members, Spear asked the President if he had any intent to include community members in the Working Group. President Capilouto explained that while developing processes and policies to govern the UK community, the Working Group could choose to invite people from the community with expertise that would be helpful in their discussions. He said that there were advocacy groups that would want to voice their opinions to the Working Group and that one of the reasons for establishing the Working Group was to more comprehensively hear ideas from the campus community.

The Chair asked if there were any further comments or questions from SC members, but there were none. President Capilouto again thanked SC members for their time, and left the meeting.

The Chair commented that she had intended to do introductions earlier, but forgot. She introduced Joanie Ett-Mims, who also works in the Senate Council office. All those present introduced themselves.

2. Minutes from January 28, 2019 and Announcements

The Chair said that an editorial comment had been received for the minutes from January 28, 2019. There being **no objections**, the minutes from January 28, 2019 were **approved** as amended by **unanimous consent**.

The Chair explained that she would not be at the University Senate (Senate) meeting on February 11, but that she and Vice Chair Osterhage discussed it this past fall and Osterhage was planning to chair it.

The UK Core Education Committee is newly chaired by Patrick Lee Lucas (DS/Interiors). The Chair said that meetings were being scheduled to meet with President Capilouto and Provost David Blackwell, but there was nothing else to currently report.

3. Old Business

a. University Calendars

i. 2019 - 2020 Calendar

ii. 2021 - 2022 Calendar, Tentative

iii. 2019 - 2020 Medicine

iv. 2021 - 2022 Medicine, Tentative

The Chair said that the appropriate calendars were revised as discussed during discussion the prior week and now posted online. She reminded SC members that after the SC's approval, the calendars would be posted on a web transmittal for Senate approval.

The Chair added that she was not sure that faculty and students were widely aware of the new fall break academic holiday in October. She asked SC members to help spread the word.

In response to a query from the Chair, Blonder replied that her concern from the prior week about the College of Medicine's calendars had been taken care of. Blonder explained that although a specific time period was not given for spring break for second-year medical students, students had a few weeks of studying as part of a course and students could opt to take a one-week break from studying during that time period if they chose to do so. Blonder said she was satisfied with the explanation.

Brion **moved** to approve the revised 2019 - 2020 Calendar and 2021 - 2022 Calendar, Tentative, and also approve the 2019 - 2020 Medicine and 2021 - 2022 Medicine, Tentative Calendars as previously posted. Collett **seconded**.

Tagavi said that he wanted the minutes to reflect that the term midterm was not defined, although "midterm grade reporting period" was very important. Therefore, because "midterm" had no meaning, perhaps references to "midterm" should be removed from the calendars. He also objected to some grades being due at 5 pm, while others were due at midnight. There were a few "midterm"-related comments from SC members. A **vote** was taken and the motion **passed** with none opposed.

4. College of Education Teacher Education Unit - Request for Calendar Change

At the Chair's suggestion, Guest Margaret Schroeder (ED/STEM Education, associate dean for clinical preparation and partnerships) explained the request. She and Guest Sharon Brennan (ED/Curriculum and Instruction) answered questions of fact from SC members.

Osterhage **moved** that the SC approve a permanent change to the College of Education's Teacher Education Unit calendar, as described in the agenda item's supporting documentation. Spear **seconded**.

Senate Council
February 4, 2019

There were additional comments and questions about the proposed change. During discussion, Schroeder confirmed that the intent was that the changes be effective for fall 2019. A **vote** was taken and the motion **passed** with none opposed.

The Chair noted that although the Senate did not need to approve this change, it did need to be reported to the Senate.

5. Committee Reports

a. Senate's Academic Programs Committee (SAPC) – Aaron Cramer, Chair

i. Proposed New BS in Sustainable Agriculture and Community Food Systems

Cramer explained the proposal and Guest Krista Jacobsen (AG/Horticulture) offered some additional comments. There were a number of questions of fact from SC members, with those speaking all expressing support for the proposal. Osterhage added that the students did not technically have the proper co-requisites for biology courses, but asked Jacobsen to see her about making arrangements and Jacobsen agreed to do so.

The Chair said that the **motion** from the SAPC was a recommendation that the University Senate approve, for submission to the Board of Trustees, the establishment of a new BS in Sustainable Agriculture and Community Food Systems, in the College of Agriculture, Food and Environment. Because the motion came from committee, no **second** was required. There were no further comments or questions. A **vote** was taken and the motion **passed** with none opposed.

6. May & Early August Degree List and Timing of Meetings

The Chair led SC members in a discussion about approval of the May and early August degree lists and the timing of Senate and Board of Trustees meetings. SC members discussed the pros and cons of various options at length. Cross **moved** to move the May meeting to April 29 and Brion **seconded**. After additional discussion, Cross **withdrew** his motion and Brion **withdrew** her second. There was additional discussion.

Cross **moved** that the SC move the April 8 Senate meeting to April 22 and leave the May 6 Senate meeting intact. Brion **seconded**. A **vote** was taken and the motion **passed** with none opposed.

7. Tentative Senate Agenda for February 11, 2019

SC members discussed the tentative Senate agenda. They rearranged some items and added one new item. Tagavi **moved** that the SC approve the tentative Senate agenda for February 11, 2019 as an ordered list, with the understanding that items may be rearranged to accommodate guests' schedules. Osterhage **seconded**. A **vote** was taken and the motion **passed** with none opposed.

8. Items from the Floor (Time Permitting)

The Chair asked if there were any items for discussion, but there were none.

Brion **moved** to adjourn and Hamilton **seconded**. A **vote** was taken and the motion **passed** with none opposed. The meeting was adjourned at 4:22 pm.

Respectfully submitted by Jennifer Bird-Pollan,
Senate Council Chair

Senate Council
February 4, 2019

SC members present: Bird-Pollan, Blonder, Brion, Collett, Cramer, Cross, Hall, Hamilton, McCormick, Osterhage, Spear, Tagavi, and Walker.

Invited guests present: David Blackwell, Sherry Brennan, Eli Capilouto, Joanie Ett-Mims, Krista Jacobsen, Douglas Michael, Margaret Schroeder, and Bill Swinford.

Prepared by Sheila Brothers on Tuesday, February 5, 2019.