

Senate Council
September 25, 2017

The Senate Council met in regular session at 3 pm on Monday, September 25, 2017 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 Katherine M. McCormick called the Senate Council (SC) meeting to order at 3:03 pm.

1. Minutes from September 18, 2017 and Announcements

There were no changes submitted for the minutes. The Chair said that **barring any objections**, the minutes from September 18, 2017 were **approved** as distributed by **unanimous consent**. She offered a handful of announcements.

- A new director of Institutional Effectiveness has been hired and will begin October 16.
- President Eli Capilouto plans to hold conversations for members of the Board of Trustees and various staff and faculty employees. She said that the President's office asked for about 10 faculty nominees. There was a variety of comments and questions from SC members.
- The Office of Strategic Planning has begun the SACS-COC review process for 2018. The Chair said that she had been asked to find a faculty employee who would be willing to take all the various reports from UK's SACS-related committees and put them into a single voice. Contact the Chair with suggestions.

2. Old Business

a. Memo on Questionnaire from Ad Hoc Committee on *Administrative Regulations 6:2* ("Policy and Procedures for Addressing and Resolving Allegations of Sexual Assault, Stalking, Dating Violence, and Domestic Violence")

The Chair said that she had received the possible, draft questionnaire from the President's office and opted to hand it out rather than post it online. Bird-Pollan explained that the draft, questionnaire was sent to the Committee after the Committee had started working. While the Committee opted to address the questionnaire separately, Bird-Pollan said that much of the Committee's comments about *Administrative Regulations 6:2* ("Policy and Procedures for Addressing and Resolving Allegations of Sexual Assault, Stalking, Dating Violence, and Domestic Violence") were reflected in the Committee's comments about the questionnaire. Generally, the Committee thought the questionnaire in its current form did not offer sufficient due process and could generate prejudice against an applicant. The Committee thought that a better way to frame an applicant's past actions/behaviors would be to ask applicants if their actions/behaviors would have violated UK's AR 6:2. The Committee also wondered when during the hiring process the questionnaire would be presented to an applicant; the timing of that could affect wording and specific questions.

Grossman commented that it was his understanding that the questionnaire is currently required for Southeastern Conference (SEC) athletes who move from one institution to another. Bird-Pollan said that the Committee's concerns about the form were applicable regardless of who was required to fill out the form. There were a variety of comments and questions from SC members.

Grossman **moved** that the SC accept and endorse the memo on the questionnaire from the Ad Hoc Committee on *Administrative Regulations 6:2* ("Policy and Procedures for Addressing and Resolving

Allegations of Sexual Assault, Stalking, Dating Violence, and Domestic Violence”). Cross **seconded**. There was additional discussion. A **vote** was taken and the motion **passed** with none opposed.

3. Update on Planning for Assessment Activities Regarding UK Core - Eric Sanday, UK Core Education Committee Chair

Guest Eric Sanday, chair of the UK Core Education Committee (UKCEC), provided SC members with an update on the development of an ad hoc committee to evaluate UK Core, which will assist in a SACS-related assessment of UK Core, as well as support a review of UK Core for internal, programmatic purposes.

4. Proposed Changes to Senate Rules 1.4.2.11 (“Senate Committee on Committees”)

The Chair explained that the proposed language was based on the motion language that SC moved at its May retreat. Wood **moved** to approve the changes to the Senate Rules by inserting the language as presented and Mazur **seconded**. There were a variety of comments and suggestions from SC members. Tagavi suggested adding the SC vice chair as a member. Cross suggested that the chairs of ad hoc committees be non-voting members. Ms. Brothers noted that the motion included the explicit statement that the SC Chair would chair the Committee on Committees, but that language was not included in the proposed new language. Wood **moved** to delay a vote on the language until the next meeting and Mazur **seconded**. A **vote** was taken and the motion **passed** with none opposed.

5. Committee Reports

a. Ad Hoc Committee on Administrative Regulations 6:2 (“Policy and Procedures for Addressing and Resolving Allegations of Sexual Assault, Stalking, Dating Violence, and Domestic Violence”)

i. Revised Memo and Suggested AR Changes

Bird-Pollan described the changes the Committee made to the report since the SC last reviewed it. She noted that there was a recommendation that appeals for interim suspensions could go to the Community of Concern, but it was further determined that because *Governing Regulation XI* required the University Appeals Board (UAB) to have final say in student-related interim remedies, appeals for interim suspensions should go to the UAB and not to the Community of Concern.

SC members discussed the memo and suggested AR changes at length, although the bulk of the discussion focused on one particular sanction (revocation of a degree) and standard of evidence [preponderance of evidence versus clear and convincing evidence].

Grossman **moved** to receive and endorse the memorandum and suggested AR changes. Mazur **seconded**. There was additional discussion.

Cross **moved** to remove the provision for revocation of a degree in AR 6:2 and Tagavi **seconded**. Bird-Pollan commented that if revocation of a degree was removed as a possible sanction, the Committee would not approve that change and the report would need to go forward as a product of the SC, not the Committee’s report. There was discussion about revising the report and Cross [parliamentarian] confirmed that a Committee’s report could not be altered by SC. There were two possible alternatives: SC could take the report and carry it forward as its own report; or the SC could submit an associated memo that indicated the SC’s desire to remove revocation of a degree as a possible sanction.

After further discussion, the Chair **ruled the motion out of order**, which meant the current motion on the floor was Grossman’s original motion to receive and endorse the Committee’s work.

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Cross **moved** that SC object to the provision about degree revocation and Tagavi **seconded**. There was additional discussion. A **vote** was taken and the motion **failed** with four in favor, five opposed, and one abstaining.

Mazur **moved** that SC have a discussion about revocation of degrees as a sanction for any violation and Lauersdorf **seconded**. A **vote** was taken and the motion **passed** with none opposed.

There was some confusion about motion language and next steps. Grossman referred to his original motion [“receive and endorse the memorandum and suggested AR changes”] and noted that during discussion, Cross asserted that SC had already received the report by virtue of it being on the agenda. Grossman **amended** his motion so that SC would adopt the memorandum and suggested AR changes from the Committee. Mazur **concurred** with the change. There were additional comments and questions from SC members.

In response to questions about next steps for the memorandum and suggested AR changes, the Chair clarified that *Administrative Regulations* are within the purview of the University President. If SC endorses or otherwise supports the memorandum and suggested AR changes, the Chair will send the memorandum and suggested changes forward to President Eli Capilouto. The Chair said that it was her understanding that President Capilouto had already reached out to Bird-Pollan about the Committee’s work and was willing to have a conversation with her about her Committee’s work. If the President recommends there be changes to the AR, then the revised regulation will follow the normal path of being reviewed and endorsed (or not) by SC and Senate. There was further discussion. Wood asked that the final versions of the Committee’s work be posted on a Committee-related site so that anyone, including senators, could review the files; that suggestion was met with approval by those voicing opinions. There was additional discussion.

Grossman **moved** to call the question and Bird-Pollan **seconded**. A **vote** was taken and the motion **passed** with five in favor, four opposed, and one abstained.

The Chair called for a **vote** on the **motion** currently on the floor [“adopt the memorandum and suggested AR changes from the Committee”] and the motion **passed** with six in favor, two opposed, and one abstained.

The Chair said she would craft a letter that would accompany the memorandum and suggested AR changes from the Committee and said she would send it to SC members for review before she formally sent the letter and the Committee’s memorandum and suggested AR changes.

Wood **moved** to adjourn and Cross **seconded**. Given the exodus, a vote appeared unnecessary.

Respectfully submitted by Katherine M. McCormick,
Senate Council Chair

SC members present: Bird-Pollan, Blonder, Childress, Cross, Grossman, Lauersdorf, McCormick, Marr, Mazur, Tagavi, and Wood.

Invited guests present: Marcy Deaton, Diane Follingstad, and Eric Sanday.

Prepared by Sheila Brothers on Wednesday, September 27, 2017.