

Senate Council
August 31, 2020

The Senate Council met in regular session at 3:00 pm on Monday, August 31, 2020 via video conference. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise. Below is a record of what transpired.

Senate Council Chair Aaron Cramer (EN) called the Senate Council (SC) meeting to order at 3:01 pm. The Chair welcomed those present. He explained that he received requests to add additional agenda items after the agenda was sent out to SC on Friday afternoon. He asked if there were any objections to the inclusion of these items as currently ordered in the agenda. There were no objections.

He informed everyone that the session was being recorded and noted that it was an open meeting. He asked everyone to use the chat box to sign in for attendance and provided guidance on how to participate in the discussion.

1. Minutes from June 1 and August 17, 2020 and Announcements

The Chair reported that no edits were received for the sets of minutes from June 1st and August 17th. There being **no objections**, the minutes from June 1st and August 17th were **approved by unanimous consent**.

The Chair announced that they have secured the agreement of SC's suggested liaisons to the Graduate Council, Health Care Colleges Council, and Undergraduate Council. SC was also asked to submit nominations for Dean search committees. The Chair reported on the four faculty members who were nominated for the Associate Provost for Graduate and Professional Education and Dean of the Graduate School search committee. He then named the three other faculty members who were nominated for the Dean of the Rosenberg College of Law search committee.

The Chair explained that it is good to see discussion about current events on the SC listserv, but asked that SC members make an explicit request if they would like to have something added to a SC agenda.

The Chair shared that the Provost contacts him to share important information about the University before it is shared with the public. He received a call from the Provost last week about the research misconduct case before it was released.

The Chair noted that information was recently received that Mark Kornbluh is no longer the Dean of the College of Arts and Sciences.

The Chair reported that new regulations from the US Department of Education regarding distance learning have come out. The new regulations were sent to Senate's Committee on Distance Learning and eLearning (SCDLeL). SCDLeL has been asked to comment on how the changes may affect *Senate Rules (SRs)* and Senate's curricular proposal forms and process, as well as provide other recommendations as appropriate. A progress report has been requested from SCDLeL by December.

The Chair reminded SC that the first Senate meeting of the semester is two weeks away and that it will take place online using Zoom Webinar. He informed SC that we will test Zoom Webinar during the SC meeting next week, although the login information may not be available until the morning of the meeting.

2. Discussion on Free Speech and Classrooms - Legal Counsel Bill Thro

The Chair welcomed Bill Thro from the Office of Legal Counsel to discuss free speech for faculty and privacy issues in the classroom. Thro thanked the Chair for the kind introduction and the opportunity to speak with SC.

Thro spoke about privacy rights and the principle standard of “Who tells your story?”. He gave examples of personal information that only a student has the right to share about themselves, such as if they are isolating due to exposure to COVID-19. He explained that context will dictate what information can and cannot be shared by instructors.

Thro explained that faculty, as public employees, do not forfeit their first amendment rights and that anything said in a personal capacity is constitutionally protected. However, faculty are not protected by speech that violates privacy, harasses, defames, threatens, or incites riot.

The floor was opened for questions and comments which included:

- What would constitute inciting a riot?
Inciting a riot would involve a speaker calling people to lawless action with a substantial likelihood that it could occur.
- How many students is too few to provide aggregate grades on assignments?
Generally, use numbers of five or less, but there are exceptions.
- Faculty have been distressed by a message from superiors of what they can and cannot discuss with students.
Faculty members have a responsibility to keep order and while it is okay to have class discussions, it is not productive to fuel speculation.
- Why are the students who displayed banners on UK buildings not protected by free speech?
The students’ message is protected but they are in violation of UK’s policy of hanging banners on buildings without prior permission.
- Where is the line between permissible and not productive speech?
Freedom of speech is protected, but context is what makes the difference. It is best to err on the side of caution.

3. Committee Reports

a. Senate’s Academic Programs Committee (SAPC) - Leslie Vincent, Chair

i. Proposed New 2+4 and 3+4: BS Human Health Sciences and PharmD Pharmacy

Vincent (BE) explained the proposal noting one clerical correction. The Chair solicited questions of fact from SC. Associate Dean of Academic Affairs and Undergraduate Education Karen Badger and Associate Dean Frank Romanelli responded to questions about opportunities available to students who do not complete the degree and confirmed that the available number of spaces in the Pharmacy PharmD program would stay the same.

The Chair stated that the **motion** on the floor was a recommendation from the SAPC to approve the proposed new 2+4 and 3+4 Programs: BS Human Health Sciences in the Department of Health and Clinical Sciences within the College of Health Sciences and PharmD Pharmacy in the College of Pharmacy. Because the motion came from committee, no **second** was needed. The Chair asked if there was debate on the proposal. There was none. A **vote** was taken and the motion **passed** with none opposed and two abstaining.

b. Ad Hoc Committee on University Accolades - Leslie Vincent, Chair

i. Progress Update

The Chair welcomed Vincent (BE) and she explained that the committee was formed after a discussion between two deans on the Senate floor about undergraduate accolades. Vincent reported that Ms. Brothers put together an inventory of accolades that students can earn, based on the Bulletin. Past chair Bird-Pollan solicited nominations to serve on the committee from the deans. The committee was formed on March 10th, but due to the pandemic they have not been able to meet. The committee will inventory all University accolades and try to form an understanding of what an accolade means at UK. Their next step is to meet and look for discrepancies. Vincent was asked to investigate accolades going on student transcripts. She will report to SC again after the committee meets.

4. Proposed Nonstandard Calendar for MAC Counselor Education

The Chair welcomed Professor of Rehabilitation and Counselor Education Keith Wilson and Professor of Early Childhood, Special Education and Counselor Education Debra Harley. Wilson explained that they are requesting a calendar change for the Counselor Education program for Fall 2020 to end the semester on Friday, December 18, 2020 with the grades due December 21, 2020, to enable students to complete their required internships and give the faculty enough time to verify the completion at the end.

Brion (EN) **moved** to approve the nonstandard calendar and grading period request for the Counselor Education program for Fall 2020. Collett (HS) **seconded**. The Chair asked if there was debate on the proposal and there was clarification that faculty would have enough time to verify completion. A **vote** was taken and the motion **passed** with none opposed.

5. Proposed Change to Fall 2020 Academic Calendar

The Chair explained University Registrar Kim Taylor's request to shift dates for priority registration for spring 2021 from October 19-November 6, 2020 to October 26-November 13, 2020. Soult (AS) **moved** to approve the proposed change to the fall 2020 academic calendar. Charnigo (PbH) **seconded**. The Chair asked if there was debate on the proposal. There was none. A **vote** was taken and the motion **passed** with none opposed.

6. Proposed Revisions to *Administrative Regulations 1:5* ("Substantive Change Policy") - Assistant Provost for Strategic Planning and Institutional Effectiveness Annie Davis Weber

The Chair reminded SC of the Medicine faculty member they chose as the SC's nominee to the Substantive Change Policy Review Committee. The committee is reviewing UK's substantive change policy to stay in compliance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

Assistant Provost for Strategic Planning and Institutional Effectiveness Annie Davis Weber updated SC about where they are in preparing for the 2022 SACSCOC reaffirmation. She explained that the deans are surveyed each year about what they are planning to do that might involve substantive change so that she can plan for appropriate actions to stay in compliance with SACSCOC.

The floor was opened for questions. Davis Weber explained what signifies a significant departure in terms of courses that would be considered a substantive change, such as making sure there are faculty available with the expertise and capacity to teach new courses. There was also a comment about the need for more descriptive language in the *Senate Rules (SRs)* about the Senate's advisory role in substantive change.

7. COVID Ongoing Discussion

a. Discussion on Pedagogical Decisions Regarding Synchronous and Asynchronous Delivery

The Chair explained that he added this agenda item because he has heard concerns about whether instructors are teaching synchronously or asynchronously. It has been his understanding that instructors can teach online courses in either modality, as they see fit. He asked SC to weigh in on whether instructors have the right to decide to teach synchronously or asynchronously for a given course.

Comments included:

- In favor of flexibility for instructors teaching synchronously or asynchronously.
- The concern is about extreme cases where instructors are teaching exclusively asynchronously, and students do not become engaged in appropriate ways.
- In a normal situation, new online courses would have been reviewed through the Senate's review process and an academic council would address modality issues. Because there was not time for any Senate review process, there may be faculty who do not understand how best to teach asynchronously. SC can ask the Undergraduate Council or Graduate Council to come up with list of suggestions for these faculty.
- Instructors were encouraged to teach asynchronously in the spring due to the possibility that students may not have access to reliable internet.
- Classes that have a scheduled meeting time facilitates teaching synchronously, but not all online classes have a dedicated time to meet.
- Synchronous activities required at a certain time must be advertised in course system.
- Department of Education regulations that are going into effect next summer classify courses with no regular or substantive interaction as correspondence courses. Correspondence courses are not eligible for student loans.
- Some faculty may wish to continue teaching online in the future after this experience. SC should think about developing a process for online course approval and a better way to provide feedback for these instructors.

b. Discussion on Possibility of Soliciting Opinions from University Community

The Chair explained that this agenda item was brought about as a result of a conversation between SC members and welcomed Charnigo (PbH) to the floor. Charnigo explained that the upcoming Senate meeting might be an opportunity to engage senators to gather feedback from colleagues about how things are going with instruction and other aspects of University operations. It was mentioned that forums had been helpful in the past and perhaps could be useful for faculty to share their experiences of what is and is not working for them under the current circumstances. Senators could be surveyed for the feedback they receive from colleges and then shared more widely.

There was much discussion about what the desired outcome of gathering feedback was and what SC can do about the feedback if they do not hold the power to remedy it. It was suggested that if SC wants to offer support to faculty in terms of teaching or safety, it makes more sense to find out what others on campus are doing already to solicit this kind of feedback.

There was discussion about the value of learning from other faculty's experience and it was suggested that the Center for the Enhancement of Learning and Teaching (CELT) might consider doing this kind of activity with faculty as a professional development exercise. It was also suggested that one of the workstreams may be better suited for this kind of activity.

Examples were shared that highlight the urgency for a mechanism for students to share what is and is not working. Sending a survey to both faculty and students was suggested. There was concern about how to act in a meaningful way when receiving such a huge volume of responses. It was suggested that

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polling senators and the Student Government Association (SGA) would be a more efficient way of getting feedback. Charnigo and Taylor agreed to draft questions together for the survey. Brion suggested soliciting questions from senators, to be sure the survey includes the right questions.

Andrade (ME) **moved** to task Charnigo (PbH) and Wheeler (SGA) to develop a draft survey for SC to discuss in their next meeting, to poll both SGA and members of the Senate. Charnigo **seconded**. The Chair asked if there was debate on the proposal. There was none. A **vote** was taken and the motion **passed** with none opposed.

8. Items from the Floor

It was reported that students have questions about why the COVID-19 numbers from the health department and the COVID-19 website from UK are not matching. The Provost is aware of this issue and suggested having Chief of Police Joe Monroe come speak to SC about the issue. Since he has already requested to speak to Senate, they will add him to the September agenda.

The Chair confirmed that SC will be meeting on Labor Day.

There was discussion about the delayed results of Phase II COVID-19 testing being available on the UK website and the need for clarification of how the numbers are counted, which depends on where students reside.

The Chair reported that although the Chief of Staff position in the President's office has been eliminated, he has adequate and timely communications with the President.

Collett reported that she has not yet been contacted for Diversity, Inclusion, and Equity training although she is on the leadership team. The Chair reported that he will follow up on the issue.

Brion (EN) **moved** to adjourn. Collett (HS) **seconded**. There were no objections

The meeting was adjourned at 5:13 pm.

Respectfully submitted by Aaron Cramer,
Senate Council Chair

SC members present: Andrade, Bird-Pollan, Blonder, Brion, Cantrell, Charnigo, Collett, Cramer, Hall, Kuhnlein, Sult, Swanson, Vincent, and Wheeler.

Guests present: Karen Badger, Sheila Brothers, Roger Brown, Bob Grossman, Debra Harley, Larry Holloway, Davy Jones, Frank Romanelli, Annie Davis Weber, Keith Wilson.

Prepared by Stephanie Woolery on September 3, 2020.