

Senate Council Minutes
May 1, 2006

The Senate Council met on Monday, May 1, 2006 at 3:00 pm in 103 Main Building. Below is a record of what transpired.

The meeting was called to order at 3:05 pm.

Guests and Senate Council members introduced themselves.

1. [Change to Administrative Regulations – Retirement of Executives](#)

Guest interim Provost Scott Smith shared that the proposal to delete *AR II-1.6-1.III.C.2* (executive retirement rule) formally originated with Dorothy Brockopp in her capacity as Chair of the President's Commission on Women (PCW), regarding the pending case of retirement with respect to Dean Hoffman in the College of Social Work. He said that interactions between Hoffman and the PCW resulted in the letter to President Todd in which the Brockopp asserted that the mandatory retirement age of executives was discriminatory in regard to both age and gender. Provost Smith restated the PCW assumption that women assumed executive positions later in their careers than men did. Removal of the executive retirement rule was discussed at the President's Cabinet. Provost Smith expressed his support of the proposal, saying the issue was certainly unfair and discriminatory in some ways. There were no other positions with mandatory retirement ages. He said that in data collected by the Office of Legal Counsel and the PCW, only Purdue University had a policy similar to that of UK's. The vast majority of the benchmarks had no retirement ages. The President's Cabinet determined to recommend the modification to the *ARs* to the Board of Trustees (BoT). Provost Smith said that in a manner consistent with policy and procedures and the flow chart for revising *ARs*, he was consulting and seeing advice on the proposal from the Senate Council (SC).

Lesnaw asked for clarification from anyone present regarding what would be required for an *AR* to be officially changed and to what extent faculty input should be solicited. Provost Smith stated that the role of the SC was advisory. All that was required of the SC was consultation. In order to change the *AR* at issue BoT approval was required, but it would not need a second reading and would be a consent item. He added that the proposal would be received by the Human Resources Committee of the Board of Trustees.

Lesnaw explained that her question was predicated on painful events that took place in 1989 when a similar attempt at a hasty judgment was made very late in the Spring semester. She said the *AR* regarding the retirement age of executives was one of the more critical *ARs* for many reasons. Lesnaw stated that she would feel more comfortable if colleagues were to have the chance to review and discuss the issue and be able to offer more broad-based faculty input. She said the PCW minutes indicated the initial actions transpired over a month ago, and that Smith was aware of the issue before being in receipt of the PCW communication. Lesnaw stated she had received the information only a few hours ago; many colleagues had not even known a change was proposed. She said there were no compelling reasons to hurry the proposal to the BoT and noted the troublesome issues associated with the suggested revision.

Provost Smith asked if she was requesting more time to review the suggested revision. Lesnaw replied affirmatively, adding that the proposal to strike the retirement age of executives would change the face of the institution. She expressed concern with the *ARs* being changed without faculty knowledge. Provost Smith countered that the SC represented faculty, so consultation with the SC was, essentially, consultation with faculty. Grossman stated more time was needed to consult with constituents to hear the thoughts of those represented. Provost Smith asked Grossman if he was declining to offer an evaluation of the proposal at the present time. Grossman replied that he was unable to speak on behalf of the SC and that a consensus would need to be reached. Tagavi reminded SC members that the SC had agreed at a past meeting to bring any discussion regarding a change to the *ARs* to the full Senate for discussion.

Tagavi expressed doubt about the claim, especially since no data was given, that women were appointed at levels of dean and above at an older age compared to their male counterparts. He said he believed there could be discrimination against women, as evidenced by the majority numbers of males appointed as dean. He stated the removal of the 65 rule might have the unintended consequences of working against women; if the proposal as offered were to be made policy, as male deans reach 65, they would no longer be required to step down, thus decreasing opportunities for females to be appointed dean.

Randall asked for a compelling reason to review the change immediately, as opposed to reviewing it later in the Fall. Provost Smith said that there was no hidden agenda and opined that doing it now or later was not of issue. He said

he received the correspondence from Brockopp at the end of March; the Office of Legal Counsel conducted an analysis and he hoped to go forward as soon as possible to resolve the issue. In response to Randall, Provost Smith said he would have to consult with President Todd on any request to delay the proposal. Jones expressed support for suggesting the change to the ARs be delayed, saying that the information needed to make a recommendation on a change of this magnitude was not present. He said any proposal should include what was to be stricken and a second part addressing the replacement policy. Provost Smith said there was no replacement policy being considered.

Jones stated that the proposal as offered to Senate Council members did not offer any "second part of the proposal" information on the benchmarks. Jones wondered what replacement policies were in place at benchmarks. He said that the primary reason as given by Brockopp in her letter to President Todd was the assertion that women start being dean later in life than men. Jones said he had requested data from the Office of Legal Counsel regarding this statement, and discovered that the average age at which women at UK become dean is 50 years old, which was approximately 0.5 years sooner than men. He reiterated the need for valid information to support the proposal.

Lesnaw suggested that since the proposal seemed to have stemmed from the College of Social Work's Dean Kay Hoffman and the proximity to the time at which she would need to step down due to age, President Todd could make an exception for this one case and not request the deletion from the ARs. That way, the immediate problem could be addressed and there would also be sufficient time for a faculty review of the issue. She thought the removal of the retirement age of executives from the ARs should be held up until Fall when faculty return and the issue could be aired at a University Senate meeting.

Provost Smith stated that he was uncomfortable with discussing the proposed deletion in the context of one individual case. He said the issue with Dean Hoffman had been discussed with faculty over the past semester, framed by asking SW faculty if they would support a continued administrative assignment of Dean Hoffman. Approximately 15 faculty members enthusiastically supported an extension of Dean Hoffman's administrative position, two were adamantly opposed, one objected largely due to procedural grounds of setting aside a UK regulation, and two faculty members did not offer opinions.

Provost Smith shared that a committee chaired by David Royse would offer an official College of Social Work opinion on the matter to the Office of the Provost regarding any acting or interim SW dean taking office after July 5, 2006, the date after which Dean Hoffman would no longer be eligible to serve as dean, according to *AR II-1.6-1.III.C.2*. He said that the Office of Legal Counsel had stated that Dean Hoffman could serve as acting dean for one year after she stepped down as dean, so long as Dean Hoffman was willing to do so and the committee chaired by Royse agreed. Provost Smith indicated Dean Hoffman was willing to serve as an interim dean. He added that the BoT set aside the executive retirement rule for one year for Dean Williams in the College of Nursing, but that the BoT made it very clear that it was extremely reluctant to set aside regulations for individual cases. That hesitation was the impetus for suggesting the removal of the executive retirement rule. He opined that the executive retirement rule was not fair to any individual, regardless of gender. Liaison Greissman stated and Provost Smith agreed that in the event of a legal challenge to UK's executive retirement rule, UK would not defend the policy.

There followed extensive discussion among the majority of Senate Council members and Provost Smith regarding the proposal. Among the major concerns of Senate Council members were:

- a lack of information about any policy to replace the deleted executive retirement rule, as suggested in the letter from Brockopp to President Todd ["We hope that a stringent evaluation system would replace this policy"];
- a lack of data to support the assertions of Brockopp in her letter to President Todd;
- the unintended consequences of making a categorical change in the *ARs* on the premise of improving one case, that of Dean Hoffman;
- concerns that removing the mandatory retirement age would stagnate the numbers of female deans, since the majority of current deans were male;
- a lack of sufficient time to review the proposal; and
- the lack of faculty input into the decision on the proposal.

Grabau suggested that Provost Smith was receiving input and advice, although it was probably not to Smith's liking. Lesnaw urged Provost Smith to delay sending the proposal to the BoT. Provost Smith asked if the Senate Council was requesting the proposal be postponed. Senate Council members indicated assent with that statement. Provost Smith stated that any decision to delay the proposal would be made by the President. The Chair asked if there were any other questions for Provost Smith relating to providing general advice.

There was a brief interlude in which a discussion on rewards for faculty members serving on academic area advisory committees took place.

Tagavi asked Provost Smith about incoming Provost Kumble Subbaswamy's opinion on the proposal to remove the executive retirement rule. Provost Smith shared his recollection that incoming Provost Subbaswamy was present during discussion on the matter at the President's Cabinet and that he supported the proposal. The Chair thanked Provost Smith for speaking on behalf of the proposal. Provost Smith departed.

The Chair shared a written communication from SC member and faculty trustee Roy Moore, who was unable to attend the meeting. Moore stated he was adamantly opposed to any change regarding the retirement age of executives, and that any replacement accountability policy would likely fall short of the virtues of the present policy. Moore wrote that a change would shift the burden of exhibiting the faults of an executive from the Administration to the faculty. He said that there should be one year's notice for any exception to the executive retirement rule. Moore also highlighted the irony that the current policy, which had engendered a turnover in the executive ranks and allowed more women to enter executive positions, was being questioned by the PCW. He ended by writing that the proposed deletion of the executive retirement rule would likely lock in predominantly male officeholders and stated his strong opposition to the change.

Jones added that the chair of the College of Arts and Sciences faculty council said to Jones that he was very concerned about the proposal in its present form. The Chair mentioned an email from Enid Waldhart, in which she related polling faculty in her department and learning that many voiced serious concerns about the proposal. Waldhart had wondered about raising the retirement age to 70, but urged that no action be taken at the BoT level until Fall, when there would have been sufficient time for the SC to pursue information on the issue. Jones added that a communication from staff trustee Russ Williams did not articulate support for the proposal in its present form.

In response to a question from Jones about the PCW's assertion in the minutes from the PCW meeting March 24, 2006 that the BoT and President Todd were ready to move forward with the change, Dembo stated that he was unaware of any such discussion at the BoT level. He said the minutes erroneously implied a momentum not present among BoT members.

The Chair said that SC members could continue to discuss the issues animating the circumstances relating to the proposal, or they could shift towards deciding what the SC response should be. He stated that in a formal sense, the SC had provided the Provost with a strong indication of the SC's opinion on the matter; the Chair asked if there was any interest in further actions. Lesnaw suggested sending an official letter to request the issue not yet be put before the BoT.

Dembo indicated that a good summary of the problems would be helpful to the BoT's Human Resources Committee, which would receive any employment-related changes to the ARs. In response to Jones, Dembo said that the Human Resources Committee could recommend the proposal be delayed and/or tabled.

Thelin stated that two reasons given by PCW as the being the most important for the proposal, that of unfairness to females and the urgency surrounding Dean Hoffman's situation, were both easily addressed. The statistics gleaned by Jones indicated that females did not become deans later in life than men did and there was a likelihood that Dean Hoffman would be offered and would accept a one-year interim post. Thus, the urgency was alleviated, especially since Provost Smith stated the change was not triggered by one individual case.

The Chair asked to whom the letter should be sent. It was suggested the letter be addressed to President Todd and carbon copied to Provost Smith. The faculty trustees could also share the letter with the BoT.

Lesnaw **moved** that the Senate Council create a resolution requesting the executive retirement rule proposal not move forward to the Board of Trustees. There was extensive discussion on what exactly would be included in the resolution. SC members offered suggestions for the Chair to incorporate into a final draft, to be circulated via the SC listserv. The resolution would address, among other issues, the following concerns: insufficient time given to look into the issue; the matter affecting faculty and staff employees; the resolution being offered in the spirit of faculty and staff consideration; and the fact that a change of the magnitude being discussed may have many unintended consequences.

The Chair asked how the resolution should be delivered. Jones opined that an in-person meeting with the President as the resolution was delivered would

be the most appropriate course of action. Jones **seconded** the motion. The motion **carried** unanimously.

2. [Minutes from April 24](#) and Announcements

The minutes from April 24 were approved as distributed.

There was extensive discussion regarding the section of the April 17 minutes addressing the changes to *Senate Rules Section 6.1.1*. It was agreed that Jones, as the Senate's Rules and Elections Committee chair, would bring the revised section back to the SC for another look with the changes incorporated.

Grossman **moved** to approve the outstanding section of the April 17 minutes with the removal of the sentence "Thus, all students...free of charge." Jones **seconded**. The motion **passed** unanimously.

3. Nominees to Academic Area Advisory Committees & Other Administrative Committees

Jones, the Senate's Nominating Committee (SNC) chair, stated that the SNC had been working hard to identify individuals willing to serve on academic area advisory committees (AAAC). He offered a handout, saying that for every slot open, two nominees were needed. Jones said that Libraries faculty requested the SNC offer pairs for each slot open to ensure appropriate disciplinary representation. He asked that the SC approve the affirmed and tentative individual list, so that when the "tentative" individuals were confirmed, they would be ready to go forward to the President's Office. Jones noted he still needed to confirm the eligibility of those nominated.

There was a brief interlude involving discussion regarding the agenda for the SC meeting on May 8. The Chair shared that the External Review Committee's final report would be available to SC members late in the week, for discussion at the May 8 SC meeting. He hoped the SC would be willing to favorably review the process thus far and urge continuation of the implementation planning (not actual implementation) over the summer months. He thought a special called Senate meeting for the 15th would not be workable, due to faculty being busy with grades and the nine-month faculty leaving for the summer. The Chair asked SC members to think about how many more meetings of the SC would be required this semester and offer comments on the listserv.

Jones **moved** the Senate Council approve the list of confirmed and tentative names put forth by the Senate's Nominating Committee. Grossman **seconded**. Tagavi offered a **friendly amendment** to allow any necessary modifications to the list, which Jones **accepted**. The motion **passed** unanimously.

Due to the proximity to 5:00 pm, the Chair entertained a **motion** by Jones to defer agenda items numbered four through six to the next Senate Council meeting. Grossman **seconded**. The motion **passed** unanimously.

Dembo shared that the broadcast email sent out regarding the delay to payroll deposits had been put together very quickly, which explained the lack of an apologetic tone. In conversation with University Controller Marc Mathews Dembo learned that many banks would not process automatic debits until the direct deposit posted. The Office of the Controller had been in contact with banks in town about the problem, and urged employees who were inconvenienced to communicate that to the Controller.

Dembo asked for guidance as to the best way to solicit faculty input on President Todd's evaluation and the status of the Boone Center, both of which would be discussed at the June BoT meeting. In response to Jones, he stated that there were six criteria put forth by the BoT in Fall 2005 upon which the President would be evaluated. With regard to the Boone Center, Dembo said he was interested in faculty opinions regarding a vacant facility versus the use of discretionary funds to renovate it.

In response to some confusion over Dembo's request for how to best indicate faculty opinions on the President's performance, Dembo said that there was going to be a departure this year from the previous practice of the BoT chair requesting input from the chairs of the Staff Senate, Senate Council and Student Government Association – this year the trustees would be offering that information. SC members suggested that a mass email to all faculty members was very appropriate.

The meeting was adjourned at 5:08 pm.

Respectfully submitted by Ernie Yanarella,
Senate Council

Chair

Members present: Baxter, Dembo, Duke, Grabau, Grossman, Jones, Lesnaw, Michael, Randall, Tagavi, Thelin, Yanarella.

Liaison present: Greissman.

Guests present: Jay Blanton, Scott Smith, Rita Wilkie.

Prepared by Sheila Brothers on May 2, 2006.