

University Senate
October 8, 2007

The University Senate met in regular session at 3 pm on Monday, October 8, 2007 in the Auditorium of the W. T. Young Library. All votes were taken via a show of hands unless indicated otherwise.

Chair Kaveh A. Tagavi called the meeting to order at 3:04 pm.

1. Minutes from September 10 and Announcements

The Chair said that there had been no corrections to the minutes. Thus, the minutes from September 10 were approved as distributed. He said that there were a variety of announcements he wished to make. The Chair reminded senators to state their name and college prior to speaking. He explained that Brad Canon, the parliamentarian, was attending to personal matters and was unable to attend.

The Chair shared that the Senate Council (SC) had created an ad hoc Committee on Senate Committee Structure to look at whether some Senate committees were over- or under worked, whether there were committees performing unnecessary work, and if there was duplication among the Senate's committees and the University Committee on Academic Planning and Priorities (UCAPP) subcommittees. He said that Raphael Finkel, Richard Greissman, Connie Wood, and Ernie Yanarella had all agreed to serve, and that he [the Chair] would also serve. He invited senators to submit comments to the Office of the Senate Council.

The Chair informed senators that the new-course form and the course-change form had been revised over the summer. Along with some formatting changes, there were now additional choices for course type (other than lecture, studio or lab); there was a section to identify community- and service-based learning; and there was a section on distance learning. While the undergraduate program change form was also revised, those changes were largely editorial and changes to formatting.

The Office of the Provost generously contacted the Chair and invited the SC to be involved in the review of all new college and departmental rules. The Chair said that after a discussion on the matter with the SC, it was determined that he would review rules himself, and involve college senators, faculty councils and the SC if oddities or special concerns were raised about revisions. He explained that the review would be to ensure the revisions were procedurally sound and in compliance with existing university regulations and rules.

2. National Work and Family Month Announcement – [Work-Life](#) Director Robynn Pease

The Chair invited Terri Kanatzar (UK Elder Care) to the podium. Guest Kanatzar said that Work-Life Director Robynn Pease had encountered a scheduling problem and could not attend. Kanatzar then went over information contained in the National Work and Family Month handout that was given to senators.

After she finished speaking, Eldred then asked about an icon for a seminar designed for couples entitled, "Mastering the Magic of Love." Eldred pointed out that the icon of a silhouette of a man and a woman holding hands seemed to indicate the seminar was for heterosexual couples only. Kanatzar thanked her for the comment and said the session was open to all couples.

3. Actions by Senate's Rules and Elections Committee

There were four changes to the *Senate Rules (SR)*. The Chair said that the first two items ("missing grade" and oral communications suspension) had been before the Senate previously – the items had returned to receive approval on the codification. The remaining two items were new to the Senate.

3-I. "Missing Grade" Language Codification

The Chair explained that the "missing grade" language came about as a result of the SAP system being unable to accept two definitions (missing grade and grade in progress) for the symbol " *** " that was used by UK's Student Information System (SIS). The Chair noted he had announced the suggestion to use "----" (dash dash dash) to identify a grade in progress to senators at the time and there had been no comments. The Senate's Rules and Elections Committee (SREC) subsequently codified the language and was bringing it to the Senate for approval. He asked the SREC chair, Doug Michael if he had anything to add; Michael replied that he did not.

The Chair asked if there were any comments. He noted that because this came from the SREC through the SC, no motion from the floor was needed.

There being no comments, a **vote** was taken on the **motion** to approve the codification of the "missing grade" language in *Senate Rules 5.1.6* and make the changes effective immediately, without further codification. The motion **passed** unanimously in a voice vote.

3-II. Oral Communications Suspension "Note" Language

The Chair invited Michael to explain the changes. Michael said that the SREC was charged with codifying the suspension of the oral communications requirement that the Senate approved last year. In the process, the SREC noticed some formatting issues that should be corrected.

The Chair asked for comments. There being none, a **vote** was taken on the **motion** to approve the proposed changes to *SR 5.4.3.3* ("University Studies Requirements") and make the changes effective immediately without further codification. The motion **passed** unanimously in a voice vote.

3-III. Clarification of “Drop” vs. “Withdrawal”

Michael explained that when the SREC codified the extended withdrawal period for students in their first year of full-time undergraduate college enrollment, they discovered that there were sometimes conflicting uses of the terms “drop” and “withdrawal.” Michael said that changes to rectify that were what was before the Senate for approval.

There being no comments, a **vote** was taken on the **motion** to approve the changes to *SR 5.1.8.1*, *SR 5.1.8.2* and *SR 5.1.8.3*, including the change from “This” to “Such withdrawal” in *SR 5.1.8.2.B.1* and make the changes effective immediately without further codification. The motion **passed** unanimously in a voice vote.

3-IV. Duplicate Credit and Repeat Clarification

Michael explained that the SC reviewed a proposal to add a section on duplicate credit. If a student took a course that was not designated as repeatable in the Bulletin, all the grades received appeared on the transcript, even though only one set of credit hours appeared and it was factored into the GPA only once.

After discussion at the SC level, it was referred to the SREC to rectify possible contradictions between the new, proposed “duplicate Credit” section and the existing section *SR 5.3.1.2*, “Repeat Option.” Calvert noted that the Senate’s Admissions and Academic Standards Committee reviewed that proposal last year, prior to SC review.

There being no comments, a **vote** was taken on the **motion** to approve the revised language of the new *SR 5.3.1.2* (“Prohibition of Duplicate Credit”) and subsequent section renumbering and make the changes effective spring 2008 without further codification. The motion **passed** unanimously in a voice vote.

4. Revisions to *AR II-4.0-4* (“Research Conflict of Interest and Financial Disclosure Policy”) (input only – possible endorsement)

The Chair explained that he was uncomfortable with allowing a motion to approve or disapprove the changes, since that level of approval was not in the Senate’s purview. Instead, he said he would entertain a motion to endorse or not endorse, etc. and that he would share that information with appropriate members of the administration.

He then invited Office of Sponsored Projects Administration Director Debbie Davis and Associate Legal Counsel Marcy Deaton to explain the changes. Guest Deaton said that there were two primary changes in the revisions. The first pertained to a change to an active central conflict of interest committee, which mirrored a national trend toward universities having a central committee review research conflicts of interest. She said the central committee would look into how

to conflicts could be managed. The membership of the committee would be primarily, if not completely composed of faculty, with some ex officio members.

The second change involved changes to human subject research. One issue involved accreditation from the Association for the Accreditation of Human Research Protection Programs (AAHRPP). Some revisions to the *Administrative Regulations* were required to earn AAHRPP accreditation. There was a national trend to have higher standards for research involving human subjects. With the proposed revisions, there would be a zero threshold for financial interests with respect to research involving human subjects.

Hayes and Davis then carried on a brief exchange in which Hayes expressed concern about having to include human subject information on more forms and possible additional paperwork. Davis explained that there would be discussions on how both the Institutional Review Board (IRB) and the research conflict of interest committee should work together. She said every effort would be made to ensure that a researcher would not have to go back and forth between the two bodies.

In response to a question from Grossman, Davis replied that a faculty member “moonlighting” in some other activity, aside from research, would not be involved in the new regulations. Grossman also asked for more guidance regarding when disclosures should be made. Davis replied that much of the language involved in the current revisions were directly from federal regulations, either direct quotes or very close. While the proposed changes would not require a researcher to consider all personal financial holdings, wording was purposely vague to accommodate whatever situation a researcher might find himself/herself in, if the situation had anything whatsoever to do with the research. She said there would be some small group training sessions in which the group leader could hone in on any concerns of the members.

There being no further questions, the Chair commented that if anyone desired to make a motion, the appropriate time was at hand.

Sawaya **moved** to endorse the revisions to *Administrative Regulations II-4.0-4* policy on “Research Conflict of Interest and Financial Disclosure Policy.”

Grossman **seconded**. A **vote** was taken and the motion **passed** in a voice vote with a large majority in favor and two abstaining.

5. [Robinson Forest](#)

The Chair went over some guidelines for the discussion:

1. Only senators and panelists would be given the privilege of speaking;
2. Non-senators would be given the opportunity to submit questions on paper, from which a few would be chosen, if there was enough time; and
3. All questions must be posed to the Chair, who would then repeat the question so that all could hear, and then pose it to the panelists.

The Chair acknowledged that individuals on both sides of the issue were passionate and sincere in their beliefs and reminded those present that it would be an academic discussion, in which applause or other outbursts would not be tolerated.

The Chair then offered some background information. He explained that on September 24, 2004, the Board of Trustees (BoT) voted to endorse the Robinson Forest Sustainable Management Guidelines, associated research plan, and the proposed allocation of future timber revenue. At the October 1, 2007 SC meeting, Lesnaw asked SC members if the proposed logging at Robinson Forest was an issue that the Senate should discuss. After discussion, SC members voted unanimously to include an informational discussion on the Robinson Forest on the Senate's October agenda.

Lesnaw was then asked to recommend a few names of individuals to be invited to the meeting. She mentioned Dave Maehr (Agriculture/Forestry) and Randall Roorda (Arts and Sciences/English). The Chair explained that he then asked for an administrative viewpoint. Because College of Agriculture Dean Scott Smith had a scheduling conflict and could not arrive until later in the Senate meeting, the chair of the Department of Forestry, Stephen Bullard, was asked to attend. There were also additional faculty members from Forestry present.

The Chair offered the panelists¹ an opportunity to share some facts and their respective viewpoints. Guests Bullard, Cox, Barton, Maehr, and Roorda then each spoke. When Stringer arrived after the others had spoken, he said he would answer questions in lieu of offering opening comments.

Dean Smith then arrived and was offered an opportunity to speak. He suggested that senators read the editorial in the Herald-Leader from the October 7, 2007 Sunday paper by Andy Mead for an analysis of the circumstances at Robinson Forest, which Dean Smith opined was a good and fair article. He noted that he welcomed the chance for those who valued Robinson Forest to take part in the discussion about not just the economic or research values, but also the intrinsic value of the forest. He said the debate on the issue was not about good and bad people, but rather about the appropriate use for that particular piece of property, as well as the value of the proposed research function of the property. Dean Smith said he would be happy to answer questions.

The Chair noted that he would stop discussion at about 4:45 pm to allow senators a chance to conduct Senate business. Until 4:45 pm, he asked senators to refrain from making statements but use the time to ask questions of the

¹Panelists were: Christopher Barton (Agriculture/Forestry); Steven Bullard (Agriculture/Forestry); John Cox (Agriculture/Forestry); David Maehr (Agriculture/Forestry); Randall Roorda (Arts and Sciences/English); and Jeff Stringer (Agriculture/Forestry), who arrived shortly after the discussion began.

panelists. He reminded guests that he would ask a select number of questions that were written down and given to the Sergeant at Arms, Michelle Sohner.

Sawaya stated that the proposed logging at Robinson Forest (RF) seemed to be a well-thought out research project with a qualified principal investigator (PI). The project had been peer-reviewed by individuals who were tasked with evaluating the pros and cons in depth. He wondered if the research could, in the future, lead to nationwide improvements and/or prevention of future damage.

The Chair first asked if the study was peer-reviewed. Barton, the PI, responded by saying that there had been four grants funded for various aspects of the project, with each having been through a peer-reviewed panel of about three individuals per panel. The information had also been reviewed by the USDA several times, reviewed internally by the group responsible for Senate Bill 271 and also twice by the Precision Agriculture and Resource Management review teams. There were numerous letters of support from various individuals, as well as from project leaders for various southern research stations and the Forest Service. He indicated there was more he could list if time permitted.

Stringer noted that the project could help determine if the level of stream protection currently mandated was sufficient. If results of the study indicated further protection beyond current standards was needed, then researchers would be in a unique position to revise stream protection standards as per Kentucky regulations, which were significantly different from the processes in other states.

Arnold asked if there were stringent rules in place for terminating the study early if the environmental impact was determined to be too severe. She also wondered if there would be continuous evaluation of the impact of the study. Barton replied in the affirmative. He stated that there would be several master loggers on the ground to be present during harvesting activities and it had been written into the contract with logging companies that they could be stopped from additional harvest if those present monitoring the efforts identified problems. In response to Arnold again, Barton said that the frequency of such reviews would go on daily during the first five years of the project. After it moved to a long-term project on hydrological information, it could continue for another 20 or 30 years.

Finkel asked about possible dangers. He asked if there was any danger after logging that the land would be attractive to coal mining operations or if there was a danger that the forest regrowth would not occur due to elk populations. Dean Smith answered, saying that if the research value remained, then the status remained. Although some opponents of the proposed logging have said that it was the first step toward removing the research value, Dean Smith stated that on the contrary, the proposed research would enhance the research value and RF subsequently would become a greater resource and solidify the research value. Roorda noted that the additional, future research endeavors could factor in, as well.

Cox stated that elk are already in adjacent areas and it was likely they could have some impact on the area, the extent to which would depend on the annual forage quality on the surface mines. Elk graze on low-quality forage, unlike deer, so Cox said it was possible that deer would have more impact than elk in logged areas. There could also be some impact on what species grew back. After 10 years post-cut, the growth will largely make the area itself unavailable to deer and elk.

Hallman asked if there was a potential that the portion of land designated for logging could be increased. If so, how would such expansion be done and what would be the restrictions? Stringer said that there were areas of the forest under the current plan that would allow for other types of active research. Those projects would have to be approved as they normally have been up to this point in time. Dean Smith noted that the plan alluded to was approved by the BoT – any change would be resubmitted to that body.

Bhatt inquired into any efforts put forth to try to identify alternate areas for this research, such as the Daniel Boone National Forest or privately-held lands. Barton reiterated that RF was the ideal location for this research for reasons he mentioned during his opening comments. While there were potentially other sites where research could be done, researchers could run into problems with a lack of unlimited access and with running a controlled experiment on land owned by someone else. Evaluating the data would be more difficult.

Roorda said that the research design was rather elegant, with a lot of control regarding the circumstances. He opined that it would be difficult to know how widely the findings could be applied. He said that the more specific the circumstances under which the research was conducted, the less likely it could be applied nationwide. Roorda said that it might be able to be applied somewhat to KY.

Bhatt noted that the area had already been strip mined; he asked how that would affect the study and any forest regeneration. Stringer said that the areas involved would be very similar to what is present on many private lands throughout the state. He noted that within just a couple of days, 13 division forestry directors in the south were eager to hear information on the study. Such types of research were very difficult to conduct. As such, the study would likely be widely evaluated and used. Stringer opined that the research results would have wide applicability.

Maehr commented that forest fragmentation was the biggest threat to biodiversity. He stated he did not know what the impact would be from elk on the regeneration of the forest, which was part of the reason why such research should be done.

Grossman said that he had heard comments about the uniqueness of RF. He said that most of eastern KY had been clear cut in the last century and wondered if there were private lands with characteristics similar to RF. Stringer said that RF was unique in that it was a large area, and involved large, intact watersheds. The value and scale of the watersheds was unmatched on private lands. He went on to say that the vast majority of KY was cut over in the 1900s. Some areas were not touched, but loggers in the past had done a very thorough job – he wished they had been a bit less thorough. This second growth area was about 80 to 100 years old and had been used in the past for subsistence farming. If the trees in RF were truly old growth, the study would not have been proposed.

Wood asked about the potential net proceeds from the timber on a yearly basis. Stringer replied that in the plan approved by the BoT, there would be reasonable timber revenue. For such a project as logging in RF, the amount calculated would reflect what could be received – not a cost-benefit analysis but rather an estimation of revenues if a certain amount of land was subjected to harvest. Wood followed up by asking about the cost-benefit analysis. Dean Smith replied that the research activities would cost more than the income from logging. The timber market was currently depressed, so income would likely amount to approximately \$500,000 to \$750,000, which would be split between on-site facility maintenance and the Robinson Scholars Program. In response to Wood, Dean Smith clarified that the dollar figure he quoted was not yearly, but rather the total amount.

The Chair said he would entertain one more question from a senator prior to moving to written questions from guests. Remer asked if the BoT could give more and more access to various industries to work in RF, after which there would be no forest left. Maehr responded by saying that if mining were approved, rocky grassland would remain. There would be some tree cover, but nothing like what was currently there. Biodiversity would decrease and the stopovers for exotic birds would be lost. RF was not unique in terms of species, but rather that it represented a large, continuous tract of forest land, which was what made it unique. Dean Smith added that the worst question to ask was a question about the worth of RF – the more pertinent question was more along the lines of wondering what opportunities to demonstrate the use of the forest could be lost.

The Chair read a question asking about the predictions on disturbances outside research zones. Barton answered by saying that one thing to be examined was cumulative watershed impacts not just in the logged area, but also in the areas downstream to determine impacts. He said that Cox and Maehr would be evaluating the impact on wildlife species in response to the treatments, as well.

The Chair read a question asking how the proceeds from logging could be guaranteed to fund the Robinson Scholars Program. Dean Smith replied that the university would receive the income, which would be distributed by a university committee chaired by Executive Vice President for Financial Affairs Frank Butler,

who would presumably be held to the BoT's determination of the dissemination of income. The income would not, however, even come close to fully funding the Robinson Scholars Program.

The Chair stated that while he understood that many more questions could be asked, the time had come to conduct official Senate business. He told panelists that they were welcome to stay and listen to the proceedings, but that the question and answer session had ended. The Chair informed senators that due to the time, discussion could go on for about eight or nine minutes. Motions could be made, but the Senate was not authorized to approve or disapprove the RF initiative – any motion would need to be worded in such a way as to capture the “sense of the Senate.”

The Chair then recognized an individual from the Department of Geography, Garrett Graddy, whom he believed was a senator. Upon realizing otherwise, he interrupted and reminded those present that only senators should be speaking for the remainder of the meeting.

Arnold said that the most striking thing she heard was that there was no plan for future regulation of land holdings. She said that as a Senate, members could charge President Todd with developing such a plan, and then the President could subsequently appoint members to review such policies. She said she would be willing to make that motion. The Chair asked that she let him know when she was ready.

Bollinger wholeheartedly supported Arnold's statement. Hallman opined that the viewpoints represented during the discussion had been solid but that there should be some type of environmental protection. Arnold commented that she respected the panelists and that she believed each of them loved RF.

Cibull said that he probably did not have enough information about what E. O. Robinson [who bequeathed of the forest] had intended when RF was given to UK. He said it seemed true that Robinson intended the forest to be used to improve the region's forests, which would be difficult to do without some type of study. Cibull opined that the most unique aspect of the forest was its ownership by UK – it had already been clear cut and trees had since grown back. He noted that while most individuals held a negative opinion on cutting down trees, he said he would like to see eastern KY and Appalachia benefit from RF, which was a stated goal of the proposed logging. Although he said he could not comment on the validity of the research, he did not think the proposed research was a bad use of the forest.

Aken stated that the individual from the Department of Geography, while not a senator, seemed to have a lot of information about the issue. She asked that she be allowed to speak. The Chair stated that he would allow that and suggested that Ms. Graddy say what she had begun to say, previously. Ms. Graddy offered

some facts and went on to say that she was primarily concerned with the results of the proposed logging. If the study data revealed that streamside management zones could be made smaller without negatively affecting the forest and watershed, the research might end up increasing the amount of land next to streams that was legally allowed to be logged.

Atwood stated that a distinction should be made between a nature preserve and a forest used for research. He commended the Department of Forestry for being brave enough to do such research despite the obstacles and negativity. D. Williams said that he was supportive of his Agriculture colleagues. While he did not know them personally, he said they had made an excellent case for much-needed research. The mission of the university as a land-grant institution was to undertake studies through good, solid science and disseminate that information to the public. D. Williams offered a statement of full support to the proposed research project.

Bollinger said that it was important to have guidelines and procedures at the university level before moving forward. He stated that the current discussion was inappropriate for the Senate and said he was unqualified to review the study. He said that procedures were needed to deal with research in conservationally important forests and that the current discussion was a waste of the panelists' time. Proper guidelines and procedures, if in place, would alleviate the needs for this type of discussion, but he thanked the panelists for answering questions.

Moliterno said that he assumed the research had been thought through thoroughly, but perhaps not to the satisfaction of the Senate or individual faculty members. He said that in the medical field, studies were reviewed by data safety monitoring boards and institutional review boards and then were conducted, yet were far more potentially problematic than logging in RF.

Grossman said that one thing that struck him was that RF had been treated as the exclusive property of the Department of Forestry and the College of Agriculture. He said similar problems arose with proposed uses for the arboretum. Grossman ended by saying that when it came to areas of importance to many individuals other than those specifically in charge, more individuals needed to be involved during initial discussions to prevent discussions like that of RF being conducted at the Senate level.

The meeting was adjourned at 5:04 pm.

Respectfully submitted by David Randall
University Senate Secretary

Absences: Adams*, Anyaegbunam*, Barbee, Bartilow, Bernard*, Bhavsar, Biagi*, Blades*, Brown, Butler, Cammers, Chappell*, Cheng, Cibulka, Crofford*, Deem*,

* Denotes an absence explained prior to the meeting.

Dembo*, DeSimone, Desormeaux*, El-Ghannam, Evans, Frost, Gonzalez, Heller, Hoffman, Houtz*, Jackson, Janecek, Jasper*, Jung*, Karpf, Kelly*, Kim*, Kirschling*, Kraemer, Lee*, Lester, Lillich, Martin*, Mattingly, McCormick, McKnight*, Mehra*, Mendiondo*, Mobley, Nardolillo, Newman*, Nieman*, Parrish, Parrott*, Patwardhan, Perman, Phelps, Piascik*, Reed*, Riese-Kinney*, Roberts, Santhanam*, Shay, Smart, Snow*, Sottile, Staben, Steiner, Storm, Subbaswamy, Sudharshan, Swanson*, Telling*, Terrell*, Todd, Turner, Vasconez, Vestal, Williams, Wiseman, Witt, Wyatt.