

UNIVERSITY OF KENTUCKY

SENATE

Regular Session

November 11, 2002
3:00 p.m.

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First Floor Auditorium
Lexington, Kentucky

Dr. Jeffrey Dembo, Chair

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JEFFREY DEMBO, CHAIR

GIFFORD BLYTON, PARLIAMENTARIAN

CELINDA TODD, SECRETARY TO SENATE COUNCIL

STEPHANIE K. SCHLOEMER, COURT REPORTER

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CHAIR DEMBO: I'm putting my gavel in plain sight here so you all can see it. I'm a good shot, too.

(LAUGHTER)

So our meeting is called to order. Just to run down the agenda with you today, we will be doing a memorial resolution. I have a few announcements to make. The action items should, I think, be fairly noncontroversial, which should lead us to have enough time about the provost search and the provost appointment.

Following that, Tom Samuels, who is the Chair of the Med Center Task Force on the Provost Model, will be presenting their task force report with a chance for questions.

So I guess the first step would be to entertain the memorial resolution.

Professor Tagavi?

MR. TAGAVI: I'm sorry to interrupt. But before that, what about the minutes? I have a comment to make on that. I went on the web and

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this is, if I'm not mistaken, the fourth Senate meeting, and so there are four minutes and four transcripts, and I don't see any of them. We kind of fought very hard last few years to get those and to get the transcripts, and I think it's very important that you have those on time.

CHAIR DEMBO: Ms. Todd, can you help us out with that?

MS. TODD: Well, I just haven't had a chance to do them. I'm trying to do two jobs because we haven't been able to fill the second position in the office, and I haven't had the time to those minutes and everything else.

CHAIR DEMBO: Any other questions? (No response.)

Thank you, Professor Tagavi.

MR. TAGAVI: I do appreciate that and if she has two jobs, that's a matter for you or maybe a decision to --

MS. TODD: Well, we've got some people interviewing.

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MR. TAGAVI: Okay. But are we not going get Senate minutes next time? At least, a half of it, which is the transcripts are done by the lady sitting over there and doesn't require any transcription. Could you at least release those, please?

CHAIR DEMBO: We will ensure they get posted promptly.

MR. TAGAVI: Okay.

CHAIR DEMBO: Thanks very much.

We have a memorial resolution. Is the presenter here? (No response.) Okay. We'll defer that.

Several announcements to make. The Board of Trustees election is under way. Those of you who haven't had a chance to visit the site yet, this is what the site looks like. You log in with your u-connect or your UK e-mail ID and log in. You can even take a look and see the candidates without even having to log in, so you don't have to worry about the

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visiting the site and coming back another time. You can click on any of these sites to assess their vital information. Every time this is loaded on the page, the appearance of the pictures and the bios changes spots, so nobody's having a perceived advantage.

(ENTIRE AUDIENCE LAUGHS)

CHAIR DEMBO: Well, I must have missed something. Was it good?

So if I try to log in now, it should not let me do it since I've already voted and so it won't let me past that page. It should also tell me, you have already voted, and it should tell me the date and time and the browser that I used.

Just to show you one more thing, there is an administrative page that two people have access to, myself and John Soward, the programmer, and we can do three things with this page. We can set the election system to run or to pause it in case a problem develops. We can calculate how many people have voted so far, so 189 people have voted from all the various colleges over here. And at the very end there's a

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little spot here that is the encryption key, of which Mr. Soward is the only person who has that when the election is over and it's time to tally the votes. Question?

MR. CANON: Let's hope he stays healthy.

(LAUGHTER)

CHAIR DEMBO: He did say that he would give the information to another person because he will be out for about a week during the middle of the election.

(LAUGHTER)

So far, we've gotten just a few e-mails from faculty who have had trouble getting on, and the librarians, who for some reasons were not listed as being bona fide faculty, so Mr. Soward is taking care of that right now.

Are there any questions about the election process? The polls will be open until Monday, two weeks from now.

There's another upcoming election for

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the Senate Council. There will be three positions open and within the next week or two, you'll hear more about that. I hope you've gotten a sense for what the activities of the Senate Council are over these last several meetings, and I'm personally happy to answer any questions you may have. Certainly, go to any of our current council members to find out what the work of the council is. It may indicate to you whether you'd like to participate.

In response to a request from a previous meeting, President Todd is scheduled to meet with the full Senate on February 10th for a question and answer session. And in response to recent concerns and the recent appointment of Provost Nietzel, he's agreed to meet with the Senate. At the present time, the only Senate meeting we have upcoming is December 9th, and he can't attend that one. There is no January meeting scheduled for now, so we have a choice of either having him come as late as the February meeting or to schedule a special meeting of the Senate to have Provost Nietzel talk with us.

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What's your pleasure?

MS. STATEN: I'd like to see a meeting in January.

COURT REPORTER: Your name, please.

MS. STATEN: Ruth Staten, College of Nursing.

CHAIR DEMBO: Other thoughts?

MR. KENNEDY: How about the 2nd of December?

CHAIR DEMBO: Okay, so early December?

COURT REPORTER: And your name, please?

MR. KENNEDY: Michael Kennedy.

CHAIR DEMBO: As a reminder, please tell your name and your college.

So far I hear that it is better to do it before the Christmas break rather than after. So if we can find a date that's agreeable for Provost Nietzel and let you know as far in advance as possible, is that

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acceptable?

(CROWD INDICATES IN THE AFFIRMATIVE)

CHAIR DEMBO: Okay.

Excellent.

Regarding the Maloney report on teacher and course evaluations from the last time, at the Senate Council we discussed it. There were a number of people who brought up questions during Bill Maloney's presentation about how these evaluations are to be used for merit and promotion decisions, and there were so many questions that the Senate Council decided to refer that back to the committee to address that in more specific detail.

Finally, one more announcement. Time and again the Senate Council is asked by the President or the provost to come up with names for people to serve on committees, whether it's a dean search committee or a college review committee, and I think that there was some dissatisfaction within the Senate Council because as one council member said, "the same old names keep on coming up again and again." So, how

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do you, the senators, feel would be a good way to gather names to submit to administration for these special requests?

MR. CIBULL: Send an e-mail soliciting--

CHAIR DEMBO: Give your name, please.

MR. CIBULL: Mike Cibull, Medicine.

Send an e-mail soliciting interest and then put those things forward or something ...

CHAIR DEMBO: Other thoughts?

MS. WALDHART: Enid Waldhart.

I think that very often we are asked to do this with very little notice. Like we found out in Monday's Senate Council meeting that they were supposed to have it handed in like on Friday. I don't know if there's always going to be time to do that kind of solicitation.

Do you have a feel for that? It seems frequently that the requests come very much at the last

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minute.

CHAIR DEMBO: I'll agree with
you there. Things seem to go very rapidly.

MR. GROSSMAN: Bob Grossman,
Chemistry.

I would suggest you ask the chairs to suggest people in their department who might like to serve on some committees, because that will allow people who haven't previously been involved in governance to start being active. Also, the chairs have a sense of who will work well with others and won't just follow.

(LAUGHTER)

MS. WALDHART: Very
diplomatic.

CHAIR DEMBO: Do you see a difference, Bob, in the elected representatives of a department or college versus the chair making the decision, or are they frequently just as good as one another?

MR. GROSSMAN: I think the

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chair has a better opportunity to see how everyone in the department works and have a good sense for that, but I don't have a strong opinion about that.

MS. BURKHART: Pat Burkhardt,
College of Nursing.

I was wondering if, since the senators are the elected faculty representatives, that it should come from Senate representation to put together such a staff, since we're really the ones that represent a constituency of the faculty.

CHAIR DEMBO: Would a reasonable compromise be to first send out a notice to the elected Senate and then if there's little to no response, the next step would be the chairs?

Okay. Thank you.

Is the individual here for the memorial resolution? Oh, thank you. Come on down.

MRS. HAMBURG: Thank you,
Jeff.

On behalf of Dean Thomas

Robinson and the faculty of the College

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of Health Sciences, I'd like to read this tribute to Dr. Joseph Hamburg.

Dr. Hamburg died on September 20, 2002 at the age of 80 in Lexington. Dr. Hamburg joined the faculty of the UK College of Medicine in 1963 in the Department of Community Medicine, where he co-founded UK's residency program for family physicians. Dr. Hamburg then established the College of Allied Health Professions in 1966, and served as its first dean and professor for more than 30 years. From 1992 until the time of his death, Dr. Hamburg served as Dean and Professor Emeritus at UK.

Dr. Hamburg was a pioneer and a leader in health science education and was recognized as such by his admission to the National Academy of Science, Institute of Medicine. The College, now renamed the College of Health Sciences,

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was the first school of its kind in Kentucky and among the first 12 in the United States.

Dr. Hamburg attended Temple University, received his MD from Hahnemann Medical College in 1951, and was awarded an honorary Doctor of Science in 1979. He received an honorary LHD from Thomas Jefferson University in 1993. Dr. Hamburg was a diplomat of the American Board of Family Practice. He was a veteran of the United States Army serving as a Captain in China during World War II. Dr. Hamburg's contributions to this University will serve for many years into the future as a living memorial to him.

Thank you.

CHAIR DEMBO: I ask that we have a moment of silence to pay tribute for this

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faculty member.

(SILENCE OBSERVED)

CHAIR DEMBO: Moving along in our agenda, we have two action items, and Professor Enid Waldhart, vice chair of the Senate Council, will introduce the first one.

MS. WALDHART: As you have seen in item A, what is happening here is the Dental Laboratory Program at LCC is requesting to make a change in their program regarding the GPA. If you look on the part that is underlined is the part that is being added here, or being changed here, and that their concern was that the students who are eligible have at least a 2.0 for all of the dental laboratory courses. The way these courses are sequenced are such that they have to meet a certain minimal number of hours in this and that C or better in the particular lab techniques course allows for that to happen.

The Senate Council was very concerned about this because it seemed as if people might have become dental laboratory technicians having Ds or not

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very good grades in these particular areas of expertise. And so we asked the representatives from LCC to come and address our concerns, and they answered them very well. In essence, the certification program is not quite the same as we might have anticipated in that the lab technicians don't have to be certified in order to work in a lab and to do this. We think that this proposal is better than the previous one and so we urge your support for it.

CHAIR DEMBO: Is Professor Harman here? (No response.) Or any representatives from the Admissions and Academic Standards Committee that want to add anything to this? (No response.) And is there anybody here from the Dental Lab Tech Program who would like to add to this?

MS. GORNTOE: If you want me -- I'm free to field any questions if you've got any.

COURT REPORTER: Can I have your name, please?

MS. GORNTOE: Robin Gorntoe, Coordinator of the Dental Lab Program for Lexington

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Community College.

CHAIR DEMBO: Any discussion
on this motion?

MR. GRANDELL: David Grandell,
Physiology.

Is it 8 hours a D, or 6 hours a D. I
thought I had read in the -- just go back...

CHAIR DEMBO: I think the
thought behind the 8 hours was that -- Robin, isn't
that the largest single course they take?

MS. GORNTOE: Yes, it is.

CHAIR DEMBO: It's an 8-hour
course, so that would prevent them from getting a D in
that one very large technique course.

MS. GORNTOE: Right, and they
would still have to have a C in their specialty course,
which is the final course before they graduate.

MR. BAXTER: Tony Baxter,
College of Engineering.

It's really not to the issue, but how
can you have a student who withdraws for medical

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reasons automatically be dropped from the course? It says a student who withdraws from a course will not be permitted to continue. That seems a bit draconian.

MS. GORNTOE: The problem with that is that the courses are sequential, and a student would not be able to succeed in the second semester if they were not able to complete the first semester. They're only taught once a year, each course.

MR. BAXTER: It still seems a bit draconian to me.

CHAIR DEMBO: Has that ever happened, Robin, where somebody has withdraw for a medical reason and they had to recycle through the entire program?

MS. GORNTOE: Not that I know of. We've had some pregnancies. The students have been able to step out and then come back, or we can give them -- What has usually happens is that we've given them an incomplete and let them finish during the break, and they've successfully done that.

CHAIR DEMBO: Other questions?

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MR. ANDERSON: Jeff Anderson,
Agriculture.

It seems to me maybe the question was,
permitted to continue could be interpreted to mean
you're out permanently.

MR. BAXTER: It sounds to me
as though it's one strike and you're out.

MR. ANDERSON: And so, you're
arguing, let's change the language.

MR. BAXTER: Yes. It's really
not to the motion, but it's something I noticed in
reading it.

CHAIR DEMBO: Would it help
address it, Tony, if it said a student who voluntarily
withdraws, as compared with an involuntary or ... Not
necessarily?

MR. BAXTER: I'm not offering
suggestions. It seems a little harsh.

MS. HARRISON: Anne Harrison,
Rehab Sciences.

Just to clarify, they can -- they do

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have the option to recycle based on, I presume, the opinion of the faculty whether the withdrawal was for a medical reason.

MS. GORNTOE: Absolutely, and often they will come back around next year and start over.

MR. BAXTER: That's not what it says.

MR. JONES: Darrell Jones, Medicine.

Could you put parentheses after "continuing in the program," parentheses, "option to recycle," close parentheses?

MR. CIBULL: And just, instead of saying continuing progress?

MR. JONES: Yeah, that would be good.

MR. CIBULL: Which is an editorial comment, not a motion.

(LAUGHTER)

COURT REPORTER: May I have

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your name, please?

MR. CIBULL: Mike Cibull.

CHAIR DEMBO: Ms. Gorntoe?

MS. GORNTOE: Yes. There's another paragraph in here further down in the catalog that explains how a student can reapply for admission, and I think that addresses this issue. It's just not in that particular paragraph.

CHAIR DEMBO: We only have this much spot on the PowerPoint screen. Would that help address the issue then? Okay.

MR. KENNEDY: If you added--

CHAIR DEMBO: Michael Kennedy.

MR. KENNEDY: Sorry. If you added during that year after program, would that fix the problem?

CHAIR DEMBO: Would not be permitted to continue in the program during that year.

It sounds like the latter paragraphs that we don't have sort of take care of the process.

MS. GORNTOE: They address

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that issue.

CHAIR DEMBO: And

realistically --

MS. GORNTOE: And that's not
what we're trying to work on here.

CHAIR DEMBO: Okay, any other
comments? (No response.)

Are we ready to vote on this being
included as a change in the Senate rules. All in
favor, please signify by saying aye.

("AYE" VOICE VOTE: ALL)

CHAIR DEMBO: All opposed,
nay.

("NAY" VOICE VOTE: NONE)

CHAIR DEMBO: The motion
carries. Thank you, Robin.

Professor Waldhart to introduce the
second action item.

MS. WALDHART: We had
discussed some of this earlier about this notion of
dual credit programs.

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Duel Credit Programs are programs where high school students are allowed to receive college credit for work that they are doing in high school and receive high school credit for this.

As we discussed this, the Senate Council had a good many reservations about this whole process, saying, how can you do this and how can you get college credit and whatever. And, again, what we had discovered -- We invited the LCC people to come in and answer our questions about this and, at least as far we can boil down to is, all of the other community colleges already do this. And that these programs are in place and that for many students who are living in areas where they don't have immediate access so they can't come over on campus and take classes, whatever, that this Duel Credit Program is in fact legitimate and it seems unfair to punish LCC not being able to do this when virtually all of the other community colleges systems in this state allow for this kind of credit to happen.

So we urge approval of the proposal as

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it's read here.

CHAIR DEMBO: The difference, too, here is that the original Senate rule did not have 4.2.6.2.1. It had just 4.2.6.2 and then it added a subparagraph that said Duel Credit Guidelines. The changes that you see here would make it a distinct and separate rule.

Are there any comments about the motion from the committee that reviewed it or from LCC?

MS. WALDHART: I probably should add one additional thing. You'll notice that it limits this kind of course work to junior and senior year. At some of the other communities colleges, they did allow students younger than that to get college credit for it. And so we asked for this junior, senior limit as the lowest level that they would go to get college credit.

CHAIR DEMBO: Have we done a good job of explaining this?

MS. CAREY: Almost. I'm Sandra Carey, and I'm Dean of Academic Affairs at LCC.

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I'm delighted to answer any questions, if you have any.

CHAIR DEMBO: Questions or discussion about this motion? (No response.)

Okay, all in favor of this motion signify by saying aye.

("AYE" VOICE VOTE: ALL)

CHAIR DEMBO: All opposed say nay.

("NAY" VOICE VOTE: NONE)

CHAIR DEMBO: Thank you very much.

Next on the agenda is a discussion about the recent provost appointment. Let me tell you the order in which I'll be doing this.

First, I'm going to be presenting a chronology of events that occurred so we're all dealing with the same facts. And I will stop after that to ensure that there's any chance for an inaccuracy in the chronology to be presented before the group. Once we all agree on the facts, the next step will be to

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discuss a Senate Council resolution, the rationale for it and the varying points of view that the Senate Council has had in addition to the other points of view that may be out there in the audience.

Before I start, I want to point out two things. Again, as a Senate, you have wide power in which to make motions or to create action items. Remember, the Senate Council is subservient and serves at the pleasure of the Senate; so in accordance, the Senate Council can act on other matters referred to it by the Senate with the responsibility and authority delegated to it by the Senate. So you have complete latitude to instruct the Senate Council as you wish.

One other thing that you need to understand, I think, too, is that the governing regulation also allows for one other thing. The Senate also has the power to directly communicate to the President, who then must forward the concerns to the Board of Trustees, if that's what the Senate so chooses. So through that we have two paths to communicate with the Board of Trustees. One is through

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our faculty trustees and the other is directly from the Senate through the President to the Board.

So I wanted to set that before we started to give you the scope of the possible outcomes that may come from this meeting.

The President told us on September 30th, in his address about a book he had read called "Good to Great," and there were two pieces of take home information that I got from it. One of them sort of addressed what sounded like what we've dealt with here.

If you have the right people on the bus, they will be self-motivated. The real question becomes: How do you manage in such a way as to not de-motivate people? And one of the single most de-motivating actions you can take is to hold out false hopes soon to be swept away by events.

(LAUGHTER)

And there's one other quote in "Good to Great" that I'd like to personally aspire to in this session. It talks about leadership. Yes, leadership is about vision, but leadership is especially about

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creating a climate where the truth is heard and the brutal facts confronted. There's a huge difference between the opportunity to have your say and the opportunity to be heard. The "Good to Great" leaders understand this distinction, creating a culture wherein people have a tremendous opportunity to be heard and ultimately for the truth to be heard. And that's the spirit in which I'm conducting this meeting.

The chronology of events. Not to belabor it, but there was an article in the Herald-Leader that discussed, among other things, the Todd presidency, and in this particular --

(LAUGHTER - PowerPoint technical difficulty)

I thought I would have been immune to that here.

The most visionary outsiders won't apply if it appears Nietzel has the inside tract. A week later the Senate Council discussed the Provost search, President Todd was present at the meeting and we advised him that he should either consider appointing Dr. Nietzel outright as Provost or having a credible

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outside search. About a week later, there was another letter to the editor in the Herald-Leader that was signed by various Deans at UK who were supportive of Michael Nietzel.

The next activity occurred in August, and this is at the same time that Michael Kennedy and I were in the President's office talking with him about the HES interim reorganization. And at that time the President said that he had a planned list for the search committee for the Provost, and Michael Kennedy and I reminded the President that we should like to have input, and he sent an e-mail requesting input from the Senate Council regarding faculty members to be added onto the search committee.

There was a letter to the editor in September in the Herald-Leader from Dan Reedy, who said that the search process should determine who's best, and the wisdom of Lee Todd once he's heard the recommendations of faculty, staff, students and other constituent groups. The first meeting of the Advisory Committee was on the 5th where they got their direct

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charge from President Todd. You received a hot-link to that in the chronology I sent by e-mail -- the second meeting on the 3rd, and the final meeting on 10/17/02.

On 10/23, the Herald-Leader had some more information about what was going on at UK, and a one-sentence item said an Advisory Committee has turned over seven names for him to consider, said Co-Chair, Loys Mather. I sent an e-mail at that point to the Co-Chairs of the committee asking for clarification regarding this list because it was not clear what the significance was. I received no reply to that.

On the 28th, we were able to ask one of our Senate Council members, Lee Edgerton, to tell us more about this list of seven, and he described it to the Senate Council at that time.

On 10/29, the Board of Trustees received the proposal from President Todd to name Michael Nietzel as Provost during their Board luncheon, and then there was a unanimous vote of approval without discussion at the Board meeting itself. I sent an e-mail to senators regarding the events inviting

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feedback. I received altogether about 30 e-mails, about five or six phone calls, and some of the senators also sent it to your constituents and we received some more e-mails from that communication as well.

We met on 11/4 to discuss this Provost search. I took the liberty of copying all the e-mails I received. I deleted all identifying information because I felt the Council needed to get a good idea of what type feedback we had gotten. I don't feel comfortable holding all the cards in my hand, so I shared them with the Senate Council.

At that meeting, Co-Chair Loys Mather was present to explain the rationale behind the decision of the committee to write a letter to the President and, coincidentally, at that meeting Board of Trustees Chair, Steve Reed, was in attendance. Chair Reed had just indicated an interest in being a fly on the wall to attend the Senate Council meeting, and it just so happened we were talking about this at that very meeting. The Senate Council voted to draft a resolution then to bring to the Senate. That was at

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last Monday's meeting one week ago.

Since that time, there's been a few other events. On Friday, three days ago, our faculty trustees met with Provost Nietzel to inform him of this resolution that was being discussed at today's meeting, and there was a letter to the faculty sent by the two Trustees and the two Search Committee members, Loys Mather and Lee Edgerton, along with a copy of the draft of the resolution we'll be discussing today.

So, before we go on, what comments are there about inaccuracies or explanations that are needed for this chronology of events?

MR. GROSSMAN: Can you go back one slide? What letter to the President are you talking about in paragraph two there?

CHAIR DEMBO: This is the letter that -- the list of seven. The letter that went from the Search Advisory Committee to the President. It must have been two weeks ago, then.

COURT REPORTER: May I have your name, please?

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MR. GROSSMAN: I gave it to
you earlier.

MR. MATHER: Loys Mather.
Jeff, I don't believe Steve Reed was at
that meeting.

MR. KENNEDY: He was at the
meeting before.

CHAIR DEMBO: I apologize.
Yeah, Steve Reed was at the 10/28 meeting. You're
right. That was prior to the Board of Trustees vote,
so that he heard our discussion with our concerns about
the Provost search. Thank you.

MR. TAGAVI: Kaveh Tagavi.
I'd like to know if the meeting on 11/8
with President and Provost that was attended by the two
Board of Trustees and by the two members of the
committee, was your consent sought to release that
letter, your resolution, and were you invited to go to
that meeting as Senate Council Chair?

CHAIR DEMBO: I have to answer
no to both of those.

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MR. KENNEDY: Michael Kennedy.

Let me clarify your 11/8/02, top paragraph. We didn't meet with him to inform him of the resolution. We met with him to give him the letter which was passed out to all of you and was e-mailed to all of you. It did contain the resolution, but the primary reason for meeting was to let him know that we were sending the letter to the faculty.

MS. POMEROY: Claire Pomeroy.

Just to further clarify, Kaveh, the President was not at that meeting. And, in fact, that was just the meeting with Provost Nietzel, Mike Kennedy and myself. The two Search Committee members were not at that meeting either.

MR. TAGAVI: Thank you.

CHAIR DEMBO: Other questions or clarifications?

MR. YANERELLA: Ernie Yanerella.

Would you please indicate, in regard to the 11/8 meeting in which the Senate Council resolution

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was brought to Provost Nietzel, was that resolution finalized and ready to be distributed to faculty under the authority of the Senate Council?

CHAIR DEMBO: No, it was not finalized. In fact, after the letter went out to faculty, there were still some e-mails waiting for me in the box with suggestions to tweak the resolution. So I'd have to say it probably was premature.

MS. POMEROY: I'll address that. Claire Pomeroy.

I had received an e-mail that said that this was the final version, and that was obviously a, you know, a misunderstanding. But we had been informed that that was the final version by e-mail. And it does raise a really interesting question. A lot of times in Senate Council, we don't have time to finalize the resolutions that are coming out and so we try and do it afterwards by e-mail, and one of the issues that I think really remains unclarified at this point is whether all of those e-mails really are an extension of the meeting that to which the open meetings law still

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applies, or if they are private communications. And I think the lack of clarification about that kind of resulted in some misunderstandings about the timing of that.

MR. JONES: Davey Jones. I do know something about the open meetings law, and open meetings law does not cover e-mail.

Second, could you clarify, Dr. Dembo, were you as Senate Council Chair given any kind of heads up or concurrence that this resolution that was to come from the Senate Council to the Senate was instead being broadcast to University faculty?

CHAIR DEMBO: The question is, was I given a warning or an indication?

MR. JONES: Yes.

CHAIR DEMBO: The answer is no.

MS. POMEROY: I'll address that again. You've got my name, right?

COURT REPORTER: I do.

MS. POMEROY: I think that

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this was an attempt, perhaps misguided, but an attempt to make sure that as many people knew what had gone on at the Senate Council meeting as possible. And I think that one of our goals has been openness here. That's what we really trying to go for. And we were trying to make sure that everyone was informed of what they were going to be expected to vote on today. It's a very important vote. And it was made in that spirit.

MR. KENNEDY: Michael Kennedy.

I'd like to add one other thing. In the Senate Council meeting, the language under the *BE IT RESOLVED THAT* was passed and was passed unanimously by the Senate Council, and we then delegated to Enid by an e-mail activity to -- well, she was to write -- at that point, there were *WHEREASes*. We changed them to *GIVEN THATs*. And so the rationale was what was outstanding during the week between the Monday of the Senate Council meeting and the Friday when this letter was distributed by e-mail, and I'd like to second what Claire said about giving it the widest possible distribution. If that hadn't happened, then the

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faculty at large would not know anything about this resolution, only the Senators and only you when you got here. So we violated protocol. There's no -- and I don't know if Claire would agree with this, but it seems to me that we certainly should have told you that the resolution would be embedded in the letter that we were sending out. We did announce at the Senate Council meeting that Loys, Lee, Claire and I were sending the letter. We did not say that we were embedding the resolution and, in fact, I think that decision sort of came along as the resolution came along.

So I apologize for that, but it did result in wide distribution of this, which I think is important.

MR. TAGAVI: In fairness, it is not true that had this not gone out embedded in the letter, we would be sitting here and not have a copy of it because we don't know what you are going to do, and you haven't shared with us what you would have done if such a campus-wide letter would not have gone out. I

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think that's not fair statement.

MR. KENNEDY: Well, I wrote you an e-mail and I said -- on Friday -- I said do you intend to circulate this to the faculty, and I didn't get an answer.

CHAIR DEMBO: And, honestly, it became a moot issue because in the end the Senate is going to decide it's own wording anyway. This is really a resolution to be brought on the floor of the Senate with you all to decide.

Other questions or comments about the chronology? (No response.)

So, on to the resolution. Professor Waldhart.

MS. WALDHART: We decided that *WHEREAS* was a bit too formal and that *GIVEN THAT* conveyed the same idea and still have some formality along with it.

You'll notice that these reasons, the rationale for attempting this resolution, follow a clear progression. As Jeff has mentioned, the number

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of e-mails that he received, the number of comments that Senate Council members and, I think, many of you probably also received, orally, verbally, without necessarily forwarding it in e-mail -- indicated that there were some very serious concerns about the process -- the process at multiple steps. And I think the letter from the Board of Trustees' members and from the two search committee members also identified that there were a lot of problems along the way, with a slip here, a slip there, many, many little things that added up to a search process that we thought was very, very problematic and that we wished to do something for it.

That we would like to be included, that we feel that strong faculty participation is a very important part of what we're doing at the University.

We included the reference to President Todd's inaugural address partly because we saw that as an opportunity that he gave to the faculty to join in with him and to help make this University as good as we can make it, and that having faculty participation and transparency in decisions. It appeared that this

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notion of trust and transparency was something that was very important. I think for many of us that this was a very significant part of his inaugural address, and that we said this was important for us to remember and to remind him that we remembered it. And, so, that's part of why that second reason is there.

And, finally, what we said is that we believed that it is just very, very important that this notion of faculty governance be given full hearing and that this idea of faculty working in concert with the administrators is very, very important if we are to accomplish the goals of the University.

I think we are trying very hard to buy into the vision of the President. I think we have found very many things about it very engaging and that we would like to be part it.

So given these three reasons, in that order, what we are proposing is that the Senate, this is you,

...direct the Senate Council

in consultation with both President Todd

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and Provost Nietzel to prepare a set of guidelines for faculty involvement in searches...

But notice it also goes on:

... and in participation in studies, committees, and task forces that address issues related to academic matters. Following the approval of these guidelines by the Senate.

So we thought it was very, very important that not only that we work in conjunction with the President and the Provost, but that we come back and we say: Here are guidelines that we have developed; do you approve them?

And upon approval of those guidelines, to then send them forward as guidelines.

Now, notice these are not governing regulations. We are not trying to say administrative regulation should happen. We are just saying that these are guidelines that we would like to see followed in searches.

Is that enough explanation?

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CHAIR DEMBO: So before we go ahead, the Senate Council had remarkably diverse opinions. And just because this is an item we developed consensus on, doesn't mean there weren't some very diametrically opposed opinions. I would like to give other Council members the floor right now to talk about aspects of the discussion that attendees at this meeting would not be privy to otherwise.

MR. TAGAVI: Let me add some diversity. I'd like to mention three things that I'd like my fellow Senators to pay attention, and based on that, later I'd like to have an amendment when you present this as action item.

I don't understand why guidelines; why not regs. It is true that we cannot pass regs, and we cannot even say go ahead, pass these regs; but we could suggest please make these part of the regulations.

By the way, regulations are not things that the faculty make to bind the hands of the administration. In fact, the regulations are made by administration. They are called administrative

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regulations.

Number two, what bothers me is that there is no time limit on this. I would have liked a rule -- I talk about this later on -- and I did vote for this personally -- that we would ask the Senate Council to come back in the December meeting with the guidelines. It is not that difficult. The guidelines are not going to be pages and pages. I don't think it will take that much time. And number three, and the most important one in my opinion, is that there is nothing there. We are saying go ahead and make guidelines, but we are not given you any guidance. And I'd like to give you some guidance later on when you present it as an action item.

CHAIR DEMBO: Other Council members who want to discuss the rationale for putting this proposal on the table? (No response.) You're never usually this quiet.

(LAUGHTER)

MS. MAZUR: Joan Mazur from the College of Education.

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I'd really like to hear from the Senate Council members on this. I mean, we find ourselves and our colleges representing the point of view here with, you know, not enough discussion. I'd really like to hear more about this because, of course, the faculty's quite unsettled about this whole situation.

MS. POMEROY: I think that's a very fair request, and so I will dive in.

I personally am of the opinion, as we said in our letter, that the process that was followed in identifying the Provost was not ideal. And I think that probably is an opinion that's shared by many people, that there were some problems with it and scenarios that got set up that make the next step and the next step and the next step.

I figured that there were two ways we could handle this. We could get sort of very angry. And I decided that that wasn't the best thing to do. I believe that the current Administration is one of the most open to faculty. I know there's screaming about that, but I think they've been very open to faculty

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opinions and they hold the promise much more than previous administrations for a productive partnership.

And so I wanted to try and look forward to the future, a way to fix the problem and ensure that things would go better in the future without damaging our relationship with the Administration, which I think is something that we need to work on. That's why I, personally, wanted a resolution that I thought was forward looking, that stated the faculty's opinion about unhappiness, that also presented a solution of how to make things go more smoothly. And I'll be glad to clarify any more questions that anyone has.

CHAIR DEMBO: Other Counsel members?

MS. WALDHART: I would just like to add to that, I went to the Council meeting last Monday being very angry and saying, we have to do something about this; there's no way that we can tolerate this. What can we do? And I guess in my own mind, I was sort of thinking of punish, in quotes -- that we just absolutely cannot tolerate this anymore.

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And I think after the discussion that we had in the Council meeting -- and there were several guests present and they may want to say something as well about what went on there -- is that I think we were very influenced by Claire's and others' opinions that said: Can't we look forward?

It's one thing to bitch and complain, and it's another thing to try very hard to do something about it. And if we say something happened that was not good, is there something that we could do. And this seemed to be something that was doable. And because of that, I went away a whole lot less angry than I had gone to the meeting. I think it was a very significant meeting by the time we got done to say that we were able to deal with a lot of the anger and a lot of the concern and try to say: Let's see what we can do and go forward.

CHAIR DEMBO: I'll add my opinion since I'm a Council member.

I don't see having differences of opinions and being divisive as being synonymous. I

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think it's entirely possible to have open, very concrete disagreements about how to proceed without it creating a divisiveness. And if one tries to -- and this is my opinion alone. If one tries to tip-toe for fear of angering the gods above, and if it does in fact, regardless of what you do, anger the gods, then you were not in his good graces anyway.

(LAUGHTER)

Professor Yanerella:

MR. YANERELLA: I would like to raise a question with Council member Pomeroy about the issue of damaged relationships with the Administration.

The impression that I get from that characterization is that somehow we have done something wrong, when I think that in a very fundamental respect, we, as the faculty, have been wronged. I think that the impetus of the e-mail which I sent to you, and which you in turn sent to the Senators, was one that was guided by a sense that the President had clearly rushed ahead of a process that he himself had

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initiated. And that in this respect, the problems that developed, the fact that this was not an ideal search process, is not as important as bearing in mind that once that process had been initiated, it ought to have been brought to a conclusion.

As I tried to argue as forcefully as I could, there are many benefits that are gained from the process -- from carrying that process through to it's conclusion. There are a whole set of questions that I would have asked of various candidates for this position, including Mike Nietzel, who I assume was one of those seven members. In particular, in regard to honoring certain basic norms that have to do with faculty/administrative relations, with hiring processes, with promotion and tenure and so forth, that in the relatively short tenure of the Todd/Nietzel Administration, have sometimes been -- have sometimes been suspended.

So if I could direct this basic question to Councilperson Pomeroy, would you clarify, please, what you meant by damaged relations?

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MS. POMEROY: I think that it's very important that we let President Todd and Provost Nietzel know about our unhappiness, and I think that's we tried to put it in the letter. I also think that the goal here is to get to a point where we can, you know, identify the best candidates, et cetera, et cetera. And that my question was more, rather than assigning blame, more how can we get to a goal of a system that finds the best people? And I thought that the way to get to that goal was to work together rather than to build barriers between the faculty and the Administration. And I still believe that, that working together is the thing. So, I mean, we do -- You know, I don't know what the outcome of today's Senate meeting will be. I mean, one possibility is that we can say, you did this horrible thing; you're to blame. And we can see how it plays out. Or we can say, we were concerned; we wish you had done differently; let's work together to make it work better in the future.

So that was my feeling of what could be done to communicate our point without damaging that

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relationship so that we could move forward.

MS. STATEN: Ruth Staten,
College of Nursing.

And I was at the Senate Council meeting last week, and I have to say that I think that the Senate Council, the Trustees' representatives, and the representatives on the committee that were at this meeting did a very careful analysis of what happened and maybe what didn't go well and what we might try to do in the future to assure that. I came away satisfied with what I had heard and with the process that the Senate Council planned to take in addressing the issue.

I think there's a separate issue, and it's come up again in the letter that went out and the resolution, and it's how do we communicate with each other -- with each other and with the Provost and the President? So I support what we're doing here today. I feel very good about our relationship with each other in the Senate Council meetings. I don't know if that's helpful to those faculty who could not witness what occurred, but I think we did a careful analysis and

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it's our opportunity to let the President know we weren't happy with the way things went and that this is what we think would be better.

MR. TAGAVI: I'm assuming that you have put this motion on table? It's presented so we can amend it. Is that correct?

CHAIR DEMBO: We're still talking about the rationale behind it.

MR. TAGAVI: Okay.

MR. GOVINDARAJULU: My name is Govindarajulu.

I just happened to be at the Senate Council meeting last week, and it's a very excruciating time. And what I'd like to see, as Mr. Cibull said, the Senate Council is a vehicle of the Senate, so the Senate -- Senate Council has a responsibility to convey the sentiment of the faculty regarding this process and what happens in this process. So even though some members of the Board of Trustees and so on has informally talked to the President and the Provost, I would like to see a formal message conveyed to the

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President expressing the faculty's disappointment in all the e-mails sent to you.

Number two is, I just cannot believe this resolution. The resolution is asking for guidelines. In the last 50 years we have been operating without any guidelines? We've had several search committees and we've had two, at least two, Chancellors that we've appointed. We have guidelines.

All I want to see is, are there are existing guidelines which nobody bothered to look into in the resolutions and I would like to see that implemented in good faith.

MS. MCCORMICK: I'm Katherine McCormick in the College of Ed.

I have two questions that are -- and I think, perhaps, the second is very closely related to yours. The first is really about temporal relationships. I guess: What was the hurry here, I guess, is the take of my -- as you put this up and as -- I know Mike Kennedy gave us, or sent us an e-mail suggesting that we only -- or you only knew about it as

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our representatives 20 minutes prior to the resolution.

So I wonder, first in terms of just governance, are we not required -- is there no agenda posted that tells about what should occur during the Board of Trustees meetings so that these kinds of surprises don't continue.

And then the second is very similar to yours. If we're thinking about revising the guidelines or preparing a set of guidelines, I wonder what is inadequate about the guidelines as they exist now. I mean, what -- In what way do they not help our Trustees and our Provost Search Committee members understand their roles or fulfill their roles in terms of this process.

So those are just two questions regarding, I guess, just governance.

CHAIR DEMBO: So in answer to the first one, I looked to see if Item PR5, I think it was, that was presented was anywhere to be found. And it was only, I think, after the fact -- and I'm not sure what the specific Board of Trustee's rules are

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regarding putting things on the agenda -- but it's my understanding that Trustees Pomeroy and Kennedy were just as surprised as anybody else was.

And regarding your second question, I think this is still germane to the rationale behind this resolution before we actually get into the, whatever nitpicking will be done. One of the Senate Committees, the Academic Planning and Priorities Committee, may actually have a good answer for you about what's missing as it currently stands.

Linda Worley?

MS. WORLEY: Yes. I'm speaking for John Hahn, who's Chair of the committee. We have been working this semester on issues of shared governance, especially with respect to the Provost Model, because the word Provost doesn't show up in any of the administrating or governing regs because there hasn't been a Provost.

And what we have been trying to do and what we wanted to do before the Provost was announced is to set some guidelines about shared governance. And

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what we do have -- even to add the words in the governing reg on search committees -- to add the words "a Provost or Chief Administrative Officer of Educational Unit."

Right now, the language is very specific about search committees and how the search committees and the guidelines and the procedures for the heads of educational units and for the President. But no Provost is mentioned. And the committee felt, of course, that was a historic glitch just because there had been no Provost. So we felt the spirit was actually in the governing regs and administrative regs, but apparently that spirit wasn't felt everywhere.

(LAUGHTER)

Did I say that correctly? So we do have some recommendations to amend both the governing regulations and the administrative regulations by simply adding the words, "recommendations on the appointment of a Provost or the Chief Administrative Officer of all Educational Units in the University shall be made after the search committees with

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representatives of all segments of the unit." And the second is very similar: ...to follow the guidelines and procedures which have been prescribed by the President after consultation with the Senate Council. And, again: ...with making recommendations on the appointment of a Provost or the Chief Administrative Officer of an Educational Unit. So we have the language ready to go.

CHAIR DEMBO: Any other comments about the rationale behind this proposal before we discuss it?

MR. GROSS: Donald Gross,
Political Science.

What concerns me about the rationale is it seems to me that there's two political tendencies that one sees in this proposal. One is the normal behavior of politicians that when they get their hands caught in the cookie jar to immediately say: Let's not worry about happened; let's talk about where we can move into the future. And it's a very good way to displace any concern of what was done.

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The second tendency is, let's set up a committee to evaluate the new guidelines. Hopefully, then, everybody will forget about what happened until the next time we want to violate the guidelines. And so I think there is something to be said for anger. And what we have here, you know, has engendered serious concerns. Now, that can mean almost everything, and probably to most people a year from now will mean absolutely nothing. It seems to me that it needs to say something that addresses the direct concern that this was a violation of principles of joint governance.

I mean, we need to say something of why specifically we're upset about the how the process operated, you know. And if you want to set up a committee, fine, but we already have guidelines. It wasn't a problem of lack of guidelines. I mean, that was not the problem.

CHAIR DEMBO: There was originally a fourth *WHEREAS* or a *GIVEN* that said something about loss of faculty morale and trust, and that was eventually voted out by the Council.

MR. ALBISETTI: Jim Albisetti,

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Arts and Sciences.

I would not like this letter that came out last Friday to go undiscussed a little bit further before signees suggest that they believe the significant majority of the faculty did not want on-campus interviews if the decision had already been made.

The third paragraph: Several faculty members have expressed concern. The first paragraph on the second page: The majority opinion of the faculty is that there should have been interviews. But then in the next sentence: It's only many faculty.

All sorts of assumptions, statements there. I don't know where these people who wrote this letter decided what "many," "several" or the "majority" was. They didn't ask me. I don't think they asked the Senate. I don't know how many of their colleagues in other departments were asked either.

CHAIR DEMBO: Is there a connection, then, that you think that the sentiment that was expressed in that letter is inconsistent with

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the sentiment that's out there and should be reflected in these --

MR. ALBISETTI: Well, one of the sentiments expressed in the letter. There are four different ones. The "majority didn't want," and "the majority did want" interviews. Several or many are upset.

MR. EDGERTON: I'm sorry, but as one of the people can you run over and give me a little more time to mark the specific things that you are referring to?

MR. ALBISETTI: Paragraph two on the first page: We believe a significant majority of faculty thought it would be unfair to interview candidates.

At the beginning at paragraph three: Several faculty have expressed unhappiness.

Second page: In talking with the Trustees ... The representatives interacted extensively with the President after the vote expressing what we believed to be the majority opinion. Which doesn't

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seem to be the same opinion that was the majority opinion on the previous page.

In the next sentence: We informed him that many faculty... Not "several," not the "majority," but "many.

MS. POMEROY: I'll try and answer that.

I think there's a difference between people wanting interviews, which would be the ideal, obviously. Okay? Versus wanting interviews to take place when it seemed to be that they were not going to have a legitimate shot at the job. And one of the things we heard from the Search Committee was that they were trying to protect the confidentiality of these people and bringing them in just for process, if the President judged that Mike Nietzel clearly had a stronger CV application, it wasn't fair to them.

So I don't think those -- what we were trying -- I was trying to draw a distinction between those two things, that the general concept that interviews are undesirable things, which I think

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everyone here believes.

And in this particular scenario, which had gotten to a point -- at that point that Mike Nietzel was judged by the President to have the strongest application and, therefore, it wasn't fair to bring people in.

I personally am a very strong proponent of interviews. One of the main reasons is that sometimes minorities and women don't look as good on paper and sometimes get lost in the flood in interviews. But I also don't think it's fair, especially to minorities and women, to bring them through a process if they don't legitimately stand a chance to be competitive for the position.

So that was the distinction that I was trying to draw between those two statements. And Lee looks like he wants to say more, so I'll let him add to that.

MR. EDGERTON: No, I think you've said it very well. Sorry, Lee Edgerton.

I think that's the first point when we

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were saying we believed that a majority agreed with us, that we believed -- and only one person has directly said they didn't believe -- that it's not fair to candidates who have specifically asked for anonymity to break that. That was why we sent the letter initially, because we felt that we were in a state where to go forward, that the anonymity that we had agree to with these people was going to broken.

CHAIR DEMBO: Lee, excuse me, you're referring to the letter that the Search Committee sent to President Todd. Is that right?

MR. EDGERTON: Yeah. So that statement that says, we believe a significant majority of the faculty agree, is to agree that this is not really fair to those people. And I think the four authors all believed that was a true statement. That's a little different than saying everybody else agreed with all the decisions that were made. It's just to say that we believed they would agree that that was not fair to those applicants.

CHAIR DEMBO: Shelly, then

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Mike.

MR. STEINER: Shelly Steiner,
Arts and Sciences.

By short-circuiting the system, you don't force anybody's feet to the fire in terms of following the kinds of things that one should do.

The other thing is, what's wrong with interviewing at airports by the selection committee. Then you could find out if there were any serious candidates to make your case. By sending things off to the President first, basically he became the Search Committee. Which is really a problem at this level. There's nothing to stop the Search Committee from going to an airport and interviewing people to see if -- the questions that you just raised about women and minority -- to see if you have credible candidates, and then bring that information back to the President.

We don't have to march in step with the President when we're making -- when we're in the Search Committee. Once he makes a decision, we do. But if you're really trying to make a strong case there's

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somebody on the outside, and I have no idea who they were, it seems like without even speaking to these people in a serious way and without compromising -- this would not compromise their anonymity by doing that. It's done all the time.

The Michigan searches largely worked that way for a President. I think it's bad, it's not good form basically to--

MR. CIBULL: Fortunately, I'm not running for anything, because this is going to make me really unpopular.

I just have a couple of questions. Is a University a democracy? Where are the shared governance details written out so that we know exactly what our rights are in terms of shared governance?

Number two, is there any responsibility for shared governance? If a bad decision is made, I assume, Jeff, that you will step down as Chair of the Senate if we share in governance with the President of the University?

And number three, are were there to

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advise and consent or just advise? To my understanding, we are there to advise. We gave our advice and the President chose -- made his choice. If it's a good choice, he's going to get credit for it. If it's a bad choice, I think we could take it from there. And I will be the first one to move for a vote of *no confidence* for both the President and the Provost.

But to whine about shared governance --

I don't even know what shared governance is in a University. I mean, I sit on committee after committee that makes recommendations to the dean, to the chancellor and so forth, and those recommendations may or may not be ignored based on the desires at that next level. That's the shared governance that we have at this University. To think we have more, I think, is a fallacy.

CHAIR DEMBO: Michael?

MR. KENNEDY: Two points.

One is in answer to that particular question. No, it's not a democracy. State legislature

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gives to the Board of Trustees the power to appoint everybody, and that includes everybody in this room. The Board of Trustees basically, in a situation like this, does what the President recommends. The President --

CHAIR DEMBO: Could you say that again, Michael. The Board of Trustees does what the President recommends?

MR. KENNEDY: In this situation today with President Lee Todd and that Board of Trustees, there is tremendous support for him.

CHAIR DEMBO: I just wanted to make sure I heard it.

MR. KENNEDY: Okay.

(LAUGHTER)

You put up a slide about being listened to and talking, and I think we've all been through searches in the past ten years where we got to talk a lot, we got to have interviews and then at the end we weren't listened to. I think there's much more potential for us to be listened to with this

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Administration.

I don't know if I can make this point without a black board. I'm going to try. Imagine a graph where we have effectiveness, our effectiveness, plotted vertically, or an individual's effectiveness, and assertiveness plotted horizontally. (Gesturing) So here's zero effectiveness and here's zero assertiveness. The curve, in my view, goes sort of up and up and up and up. The more assertive you are, the more effective you are, the more you get things done your way. And then it hits a peak and starts down, and it just keeps on going down. And the idea is to maximize this curve. And I think that's the goal of this resolution. I did -- when Claire and I met with the Provost, and I also talked to the President at the football game, and he was aware of the resolution, and he said: I have no problem with that. I would welcome that. We should do that.

So I support the resolution.

CHAIR DEMBO: Two more.

MS. ROHM: Beth Rohm, Social

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Work.

One thing that surprised me in the process was that all of the deans signed a letter and sent it to the Herald-Leader. To me, that affected the process. And I don't know how the rest of you feel, but I thought that was unusual.

(LAUGHTER)

And I think a lot of them were on the committee, if I remember correctly. So to me that really affected the process. We have a lot of non-tenured faculty in our College, and I just think it affected the openness and the and the assertiveness.

MR. JONES: Davey Jones,
Toxicology.

I did talk to a Board of Trustees member about the period during the luncheon when it was announced, and it was described to me that when the President stated he wanted to do this, one of the Trustees there did say to the President, to the effect:
Mr. President there are some University faculty who are very skeptical and very suspicious about this

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search process and if you make this appointment now, like this, you're going have to really court those faculty, Mr. President.

So, in relation to what Mike Kennedy illustrated that there is a curve between assertiveness and an influence, this Trustee who said that was not one of the two faculty trustees, but it was not inappropriate, apparently, at that time, for something to be said or else this Trustee wouldn't have said it.

I think that Trustee gave an example of some assertiveness, as compared to zero.

CHAIR DEMBO: Let's take one or two more, because we need to come to some conclusion here as to what we're going to do with this.

MS. NEAL: Rebecca Neal with the Kernal.

I have a question about the workings of the Board of Trustees. If the Board of Trustees can appoint everyone in the University and they can appoint the President, why are they not more outspoken against the President and counter to his ideas and offer more

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input since the President could not remove them. The Board of Trustees, as you said, has control over the President. So why is there not more dialog?

MR. KENNEDY: There is a fair amount of informal dialog. But I'm speaking as things stand in November of 2002. We've had cases in the past where the Board has voted against the President and, in fact, voted not to renew the President's contract. It depends on the particular relationship; and, right now, the President has a very good relationship with the Board, and an adequately good one with the faculty. Right now, there's a lot of belief that he's doing the right thing.

CHAIR DEMBO: Okay. I'm going to add one more thing to the mix and then the next comments I would like to entertain should address the resolution specifically in its form as on the table.

What I want to add here is something I got just this morning. This is a joint statement I received from candidates for faculty representative to the UK Board of Trustees. They submitted this

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statement and wanted it read in today's meeting.

(READING): An improved University environment must be developed that promotes joint governance and shared influence and involvement in University decision-making activities as outlined in standing regulations and policies. Toward that end, and as candidates in the election of a faculty member to the office of trustee who will strive to bring credibility and integrity to that office, we join together in issuing this call for mutual respect and cooperation in the exercise of administrative and faculty governance under our future Provost system.

Through their policy-making role in University faculty governance and their advisory role in shared governance, participation of faculty members is indispensable to advancing the

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University's missions.

Recognizing the shared goal of pursuing Top 20 status among public universities and limiting ourselves to concern over recent procedural violations of the spirit and letter of faculty-administration policy making and shared governance, we call upon the President to reaffirm his commitment to the ideal and practice of an administration and relationship that cultivates honest exchange, respects the integrity of established procedures, and seeks to advance the full and meaningful participation of the faculty.

Signed by four of the Trustee candidates.

Now, what specific comments would you like to put on the floor with regards to this motion?

Professor Tagavi?

MR. TAGAVI: Yeah, I would like to have an amendment. As you see in the

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amendment, you will notice I'm not against the resolution; I liked it; I voted for it. I agree with Dr. Pomeroy that this administration has been very open and I do appreciate that. I just want to help them continue.

(LAUGHTER)

So I'd like to make a resolution which is not substitute, it's not negating what the Senate Counsel has already done. It's complimentary. I did send you an electronic copy of that. Could you please put it up? Oh, I'm sorry.

Okay. The essence of this is what our other colleagues right here said about advice. I truly even have problem with advice. I realize that we don't have, in my opinion, shared governance. I know that it is limited to advice, but if I wanted to hear the voice of a group of people, I wouldn't get the true advice if I choose among them which one are going to give me the opinion of the group. So what I'd like to suggest is, this is only for search committees and appointments and reappointments. The rest of the resolution already

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submitted is for task force and committees in general.

And I'd like remind our colleagues that this is exactly what President Todd already did. I was very pleasantly surprised that when we suggested two specific names, Loys Mather and Lee Edgerton, President Todd very graciously took them. I'd like to codify this so we would be assured of a true voice as advisory as it might be. So this should come after the end of the resolution.

CHAIR DEMBO: So it would be added after academic affairs?

MS. WALDHART: Yes.

MR. TAGAVI: Yes. Well, no, even after the following, because one is guidelines and the other one is more of a specific suggestion. So two, following approval, so I'd like to keep my own and leave the other one, just for reading it better.

CHAIR DEMBO: Okay. And, by the way, the Senate rules state that whenever an amendment is anticipated to be submitted, one should try to submit it as far in advance as possible -- and I

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would do this with anybody; I'd put it on the PowerPoint so we could all look at it.

So you're putting this on the table. Is there a second?

MR. BLANDFORD: Second.

CHAIR DEMBO: Could you identify yourself, please?

MR. BLANDFORD: George Blandford, Engineering.

CHAIR DEMBO: Thank you.

So this is an amendment to add to the original resolution; correct?

MR. BLANDFORD: Yes. I move we get name things, so we can just hold them up in the air in the future.

CHAIR DEMBO: I had thought about that, actually.

Discussion about this amendment?

MR. GROSSMAN: Wouldn't this be part of the guidelines that the Senate Council would propose, rather than being a separate of -- rather than

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being an amendment to the existing resolution?

CHAIR DEMBO: The maker of the motion?

MR. TAGAVI: It could be. We don't know. But as I said in there, there were three problems I have with the rest of the resolution, as much as I like it.

One is, this is not going to be a guideline. This is a suggestion to be codified, which is different than guideline.

Second, there is no time limit to this. This is instant gratification but, of course, not without due deliberation.

And, also, my other problem was that the rest of the resolution is not specific. We are just telling you to go ahead and do something, but we are not telling you anything about that something. This is very specific and, I admit, this is not going to resolve all the problems in the world. This, in my opinion, fixes one fundamental aspect of the problem.

CHAIR DEMBO: Other comments,

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discussion about this amendment?

MR. KENNEDY: I just sort of have a structural problem with it. I don't see how the Senate can resolve this. I mean, this is essentially telling the Administration to do a certain thing. Do you see my point? We have a resolution that the Senate does something. It directs the Senate Council to do something and then this resolution -- I mean, it does seem more like a guideline or a potential AR, but it's not really something that the Senate can resolve because don't have that authority. And I think it's a bad idea. I'm just saying it doesn't fit here.

CHAIR DEMBO: Well, but the Senate can make any suggestion for regulations that we want to. Correct?

MR. KENNEDY: Then why don't we say resolved that the Senate suggests to the Administration or the Senate insists that the Administration, or something.

MR. TAGAVI: I'll accept that.
If that is going to make Michael Kennedy agree with

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this, I will accept anything that --

(LAUGHTER)

CHAIR DEMBO: So you accept
that as a friendly amendment?

(LAUGHTER)

MR. TAGAVI: Absolutely, like
a friendly fire.

(LAUGHTER)

CHAIR DEMBO: Ms. Todd, do you
have the wording for Professor Kennedy? If I typed it
in here -- which I can -- it's going to screw up the
slide show.

MR. KENNEDY: Better a screwed
up slide show than a screwed up resolution.

CHAIR DEMBO: Okay, Michael,
once again, what did you say?

MR. KENNEDY: I don't know
what I said, but what I mean is that the Senate
recommends--

MS. WALDHART: Cut and paste
from the previous thing where it says: ... the

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University Senate directs the Senate Council to -- up
-- the very first sentence -- no -- not the whole thing
-- just the first part.

CHAIR DEMBO: That?

MS. WALDHART: Uh-huh.

MR. KENNEDY: Nothing less fun
than editing unless it's editing in front of 200
people.

(LAUGHTER)

CHAIR DEMBO: (Editing) And
put this where?

MS. WALDHART: At the very
beginning of the, "ALSO BE IT RESOLVED, THEN..." Add
the word "that."

CHAIR DEMBO: Okay. After
Nietzel, that...

Any other discussion about this
amendment?

MR. EDGERTON: Just a real
picky one, Jeff, but where we're saying "in specific
cases," would we be better off to simply say "in cases

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in which search..." I mean, do we really mean that they are going pick specific examples out? I think what they --

MS. WALDHART: Delete

"specific."

MR. EDGERTON: Yeah.

CHAIR DEMBO: Okay. Other discussion about the amendment? (No response.)

Okay, all in favor of this amendment, say aye.

("AYE" VOICE VOTE: ALL WITH THE EXCEPTION OF MS. WALDHART.)

CHAIR DEMBO: All opposed.

("NAY" VOICE VOTE: MS. WALDHART.)

CHAIR DEMBO: Okay. So this amendment is now successfully added on to the original resolution.

Other discussion about the resolution?

MR. KENNEDY: Was there supposed to be a "recommended" in there?

CHAIR DEMBO: For

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consideration of codifying it? Okay. Other discussion about the original resolution?

MR. GROSSMAN: Bob Grossman, Chemistry.

It seems to me that this whole resolution is beside the point of why people are upset about the current search. People are upset about the current search because an insider who already the job was allowed to become a candidate for the position, and then was quickly put in there without any consideration given to people outside the University. This will do nothing to change that or to make sure that doesn't happen in the future.

When Provost Nietzel was first appointed acting Provost, he said he would not be a candidate for the permanent position. Sometime during his tenure, he changed his mind. I don't know whether President Todd asked him to change his mind or that he decided to do it himself and President Todd enthusiastically accepted it. But as soon as Provost Nietzel became a candidate for the permanent position there was a problem created.

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Someone back here referred to that letter from the Deans saying how wonderful a job he was doing, and I am not denying that he was doing a wonderful job. But the fact that he was an inside candidate, first of all, probably discouraged a lot of good people from applying. And then also, then, created this impression that if he was not a final candidate that that would be a terrible insult to him. And then if he was a final candidate, then the others would have no chance. So this will do nothing.

There was faculty representation on that committee. This resolution says there should be faculty input. I don't know where -- it says nothing about when that input should be gathered, whether that has to be on-campus interviews. And the President could argue faculty input was solicited because, you know, the people that the Senate Council suggested should be on the committee were on the committee and had full opportunity to state their case, et cetera, et cetera.

So I think this whole resolution is

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beside the point. Not that it's a bad idea to have regulations governing how things are done, but this will not address the issue, which is that the acting Provost should not have been allowed to be a candidate for the final position.

CHAIR DEMBO: Professor Grossman, your colleague Professor Cibull before questioned what role we really have in shared governance, and we talked about advice. So the President received advice from us that either he should appoint Dr. Nietzel or he should have a bona fide outside search. The Herald-Leader gave the same advice too. The advice doesn't seem to have been taken.

So at this state, what kind of resolution can we craft, then, to ensure that when we do give advice, our voices are heard, if not this? I'm just presenting the question.

MR. GROSSMAN: I think we should express our strong disappointment that the search happened the way it did and that our predictions about the course of the search that were made at the

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beginning have proven to be true; and that this was an unfortunate start to the President's appointment process; and that we hope that better will be done in the future. I don't think that any of this is really to the point.

MR. BERGER: Rolando Berger of Medicine.

I agree on the principle, but I think we're confusing several things. We're talking interchangeably of regulations and guidelines. Regulations are binding; guidelines just give you a guide to follow; it is not mandatory and not binding. Okay? So it's not the same thing to make a rule that everybody has to abide by and to give a guideline to them or advice, that if, as it were, which the person has the right separate from.

I think that, if I understand the problem, having him run for it or even having the President choose him doesn't violate any rule in the regulations. Okay? It may, and arguably so, violate a guideline, but certainly not a regulation. So it is a

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permissible action. I think that maybe -- what I find incomplete is to convey to President Todd that, although we recognize his right to ignore advice and to act on his own judgment against guidelines, we would expect the Administration, when that is deemed necessary, to be clearly and forthcoming explaining exactly why is it necessary in this case to ignore their advice and to break the guidelines. Not to convey to say that we think we can dictate and mandate and bind what the President does, but that shared governance implies that when he feels it's justified, and with the authority he legally has, that he will ignore the guideline and advice and act on his judgment.

Shared governance means openly. And you should say this is why, this is why in my judgment this should be done. That's what was not forthcoming and, in my view, somehow that does not convey to him what it is that upset the faculty. Is that nobody never stood up and said okay, listen, I got this advice and these are the guidelines, but these are the reasons why I

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think I should go a different route and I'm going to do this. And that is not conveyed in the resolution. So it's not clear what is the process that upset the faculty. What is the part -- you know, somebody may not like an internal candidate but there's nothing in the rules that say you cannot have an internal candidate or that the Provost couldn't change his mind -- the acting Provost decided to become a candidate. I think we may not agree with it but that's his right.

But, anyway, I feel that in the resolution we have language that what he says in the first about the process should explain what the process is. The departure from advice and guidelines was not done in a straight-faced and forthcoming way.

CHAIR DEMBO: Does that also imply there should be something in the second part that says that if guidelines are not followed there should be clear and--

MR. BERGER: It would be expected in shared governance that you'd say, why you're not following the guidelines.

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MR. KENNEDY: I have an amendment when you get around to it.

CHAIR DEMBO: Dean, do you have something in response to that or--

MR. WHITE: I have something very short. Dean White, Dentistry.

I thought the whole problem here is the fact that the President gave a charge, and there was a lack of adherence both by the Search Committee and the President to his charge. That's what I think is the basic problem.

CHAIR DEMBO: Michael, did you say you have --

MR. KENNEDY: I have a quick comment and then an amendment.

The comment is that one of the problems -- both problems -- Well, let me say that the President believes that promoting from within is sometimes a good idea. And I don't think we're going to change his mind on that. So this means that people who are employed by the University are going to be candidates.

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Now, two possibilities. One is they shouldn't be in an active position. That might be part of the guidelines. Another is, if they are in an active position, they would declare up front whether or not they would be candidates and have to stick to that.

I'm thinking that working out these guidelines can be a very good process, but for us and the Administration.

The amendment I have is to add to the --
BE IT RESOLVED THAT -- this is the last paragraph. ...
forward to the University Administration for
consideration as academic regulations of the
University.

CHAIR DEMBO: Maybe you ought
to type this. As administrative regulations?

MR. KENNEDY: Yes ... of the
University.

CHAIR DEMBO: (Editing on
PowerPoint) Any comments about this amendment?

MR. DESIMONE: Can you call a
vote? This will go on forever.

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MR. TAGAVI: I second that.

CHAIR DEMBO: Yep. So are you calling for a limited debate, then?

MR. DESIMONE: Yes, I am.

COURT REPORTER: Your name, please.

MR. DESIMONE: DeSimone, Medicine.

CHAIR DEMBO: That requires a two-thirds vote then.

MR. KENNEDY: Is he calling the question on the amendment or on the motion?

MR. DESIMONE: On the motion.

MR. KENNEDY: Well, there's an amendment on the floor. That has to be --

MR. DESIMONE: The amendment's discussed and then I'll --

CHAIR DEMBO: Could I assume that we could by general consent accept this amendment for consideration of ARs at the University?

MS. POMEROY: No.

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CHAIR DEMBO: No. So, okay,
we'll discuss the amendment.

Other comments or questions?

MR. CIBULL: I want to call
the question on the amendment.

COURT REPORTER: Your name,
please.

MR. CIBULL: Mike Cibull,
Medicine.

Call the question on the amendment.

CHAIR DEMBO: Okay. To limit
debate on the amendment these several words.

All in favor of limiting debate on the
amendment, please raise your hand.

(HANDS RAISED)

CHAIR DEMBO: All opposed?

(HANDS RAISED)

CHAIR DEMBO: We'll have to
take a count. We need two-thirds. Okay, what you're
voting on now is to limit debate on the amendment that
Professor Kennedy has added here.

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Okay, all in favor of limiting debate,
raise your hand.

SERGEANT-AT-ARMS: Thirty-
five.

CHAIR DEMBO: Okay, that's in
favor of limiting debate.

All those opposed to limited debate on
the amendment, raise your hands.

(COUNTING BEGINS)

MR. CIBULL: Well, there's
more than ten so ...

CHAIR DEMBO: Okay. So
discussion continues on the amendment. The motion
fails.

Other discussion about the amendment for
consideration as ARs of the University?

MR. TAGAVI: Would somebody
speak against it? I'd like to see that.

MS. WALDHART: I think the
question is: Can we do this? It seems to me that when
we forward it to the University and the Administration

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that the idea is that they will send you something with it. I'm no sure that it has to be in the form of Administrative Regulations. And that's why I was no in favor of it.

MR. GOVINDARAJULU: They should be governing regulations (unintelligible)--

MR. KENNEDY: Claire, maybe you know this. The governing regs, are the governing regs set by the Board and the Administration regs set by the Administration?

MR. POMEROY: Kaveh says that's correct. He knows.

CHAIR DEMBO: Other comments about this amendment?

MS. DEBSKI: Liz Debski. I think there is a real point there. So, it says for consideration for the regulations. So if they don't make it a regulation, then it's like it never happened. Isn't that true?

MR. JONES: Why not, "for consideration as an Administrative Regulation or

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guideline, as appropriate," and then the President can work with out with you.

MR. KENNEDY: I'd accept that.

Kaveh?

MR. TAGAVI: Yes.

CHAIR DEMBO: So, your wording was, "... as an Administrative Regulation or guideline, as appropriate"?

MR. JONES: Yes.

CHAIR DEMBO: Professor Kennedy, do you accept that?

MR. KENNEDY: Yes.

CHAIR DEMBO: Okay, any other discussion about this amendment? (No response.)

All in favor of the amendment, say aye.

("AYE" VOICE VOTE: ALL)

CHAIR DEMBO: All opposed?

("NAY" VOICE VOTE: NONE)

CHAIR DEMBO: Okay, we're back to the original motion now.

MR. GROSS: Don Gross,

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Political Science, again.

I guess I'm almost at the point now where I'm like the gentleman up there that why don't we just go ahead and have a vote? It seems to me that we're not going to address the fundamental issue, which really -- this is not addressing any notion of shared governance, et cetera. We don't know what it is.

There is a third political principle we do not have here, is that after you suggest to people to act democratically, when they start doing it, remind them that it's not a democracy after all.

(LAUGHTER)

I guess my response to that is that it was the University President who came in here and, I think, encouraged everybody that we want more shared governance. He suggested the idea. Now that it's gotten in his way, we now just throw it away. And I guess my response would be is that I'm not sure why anybody would serve on these committees. I don't blame some of you people for giving in to the President, because I think everybody felt before any of this

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started that Professor Nietzel was going to be chosen.

There was no really alternative, and that most of this was a sham. And I think that's the real sentiment of much of the faculty outside this room. And that's the real fundamental problem. And we're not going to address it with any stuff in this resolution.

CHAIR DEMBO: I wish I could take one of your courses; I'd like to learn more about these principles of political science. One way that you do have to voice your opinion would obviously be through the election of the faculty trustee who you think would not just -- that would be willing to speak the voice of the faculty, if you feel that hasn't been done up to now.

MS. CHARD: Kate Chard,
College of Education.

I'd like to encourage my colleague from medicine three rows up to put forth a motion to alter this. He summed up very nicely how he thought the process was ignored, and I think we need to include that in there.

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MS. ARNOLD: Susanne Arnold,
Medicine.

Why can't we require the President to
come and explain himself to this body if he does choose
not to listen to advise. Why can't that be part of the
resolution in the terms of --

CHAIR DEMBO: Trying to get up
a President's schedule --

MS. ARNOLD: Listen, if he
decides to not take our advice, he should come and
explain to us.

CHAIR DEMBO: However, I think
we do have an upcoming Senate Council meeting scheduled
with him December 3rd, or something like that. So at
least, on behalf of the Senate, we could specifically
that in that meeting.

MR. GROSS: Didn't you
announce that he is coming for a question-and-answer
session?

CHAIR DEMBO: That's not until
February. It will be in February.

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MS. ARNOLD: That will be something that would help here.

MR. BERGER: I hadn't given thought as to what the mechanism should be. I think that -- It is my opinion that it should be said that although he has the right to ignore the guidelines, we would expect him -- as a matter of what he said -- that he would come by whatever route mattered to explain clearly why. If he feels it's important to ignore the guidelines. I know they gave him the right to do so, but I would like to know why.

CHAIR DEMBO: Enid?

MS. WALDHART: I would like to suggest that I think that many of the suggestions that we are making here are very good suggestions and that I think they can be incorporated into the kind of guidelines that we were talking about or thinking about being made. And I think this is not the time for us to come with the solutions to what's going on. I think the idea here with the original resolution was that the Senate Council, working together with the President and

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the Provost, is to establish what these guidelines are.

I think there are many, many fine suggestions that have been made about them, but I think that's the kind of thing that needs deliberation over time and not something to do in a few minutes here while we're trying to decide. I think those are very possibly the kinds of guidelines may emerge from this kind of interaction. And that I would urge us not to go further in detail about them, but simply proceed with the resolution itself.

CHAIR DEMBO: Ernie, then
Davey.

MR. YANERELLA: I heard you earlier on indicate that there was a third or fourth *WHEREAS* or *GIVEN THAT*. And I think there's enough support to at least test whether there is a majority support, within the University Senate, for such an idea.

I would like to propose an amendment that would come after the second *GIVEN THAT* that would say this:

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GIVEN THAT this search process violated the President's own charge to the Advisory Committee and caused a loss of good will, trust, and confidence among faculty in the President's commitment to shared governance...

Unquote.

CHAIR DEMBO: Once again, what were the key words?

(LAUGHTER)

MR. YANERELLA: All right.

GIVEN

CHAIR DEMBO: I want to copy down the key words that you used.

MS. WALDHART: One more time.

MR. YANERELLA: Okay.

GIVEN THAT this search process violated the President's own charge to the Advisory Committee and caused a loss of good will, trust, and confidence in the President's commitment to shared governance.

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COURT REPORTER: You left out
"among faculty."

MR. YANERELLA: Oh, I'm sorry.

(LAUGHTER)

MR. YANERELLA: After the word
"confidence," "among faculty." I haven't taken a
poll, so I don't know how many.

(LAUGHTER)

CHAIR DEMBO: Okay, your
presenting that as an amendment--

MR. AMARILLO: I am.

CHAIR DEMBO: --as another
GIVEN.

Anybody second it.

MR. GOVINDARAJULU: Second.

CHAIR DEMBO: Discussion?

MR. GROSSMAN: Bob Grossman.

I haven't heard any evidence that he violated his own
charge to the committee.

CHAIR DEMBO: Professor
Mashers? The original charge had ten or twelve items.

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MR. MATHERS: The original charge did include the expectation that the search would go through the interview process. But I hope you understand why I'm not arguing for or against this. While it ended up different than that, he also was consistent with the options that were laid out to him by the Search Committee, and that was given where we were in the search, given the pool of candidates we were looking at -- and, incidentally, my words to the Herald-Leader were inaccurate. Instead of saying for him to consider, it was we were giving him names to give advice us advice on what to do. We were simply saying, we have these names, tell us where to go. We see two paths where you could go.

Given the fact that there is disparity among them, you might choose to go ahead and proceed another way, or give us direction and we're now at this stage where we maybe go ahead and we need collect more information on these candidates. So he stayed, obviously not with entirely with the original discussions we had with him when he first started the

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committee, but he was consistent with the options that the committee laid out for him.

And while I have the floor, to give you some rationale -- the Senate Council heard this -- but to give you some rationale on why we laid those options out, it was not that there was anything wrong with the pool. When you have an acting person in the pool, it's obviously going to probably have some affect on the pool candidates.

But I was pleased, and feel several of the other members were pleased, with the caliber of people we had in the pool, and they were an extremely diverse mixture of people. But they were of the type, as Dr. Nietzel was when he became acting Provost, they were at that level of experience and the kind of people you would expect to be in the pool. And that group, you know, your whole pool is going to look differently when you have several candidates of that kind of background and a person who's been acting Provost almost a year and half. And, therefore, when you go into the interview process, you're very clearly going

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to see the very strong front runner and several other viable candidates who don't quite have that experience.

Therefore, we felt the President should see that, you know, one option might be rather than bring these folks in to complete a process -- a good process, but it would be a process where they probably would have a great deal of difficulty overcoming the strong candidate. So we thought we should lay out those two options.

CHAIR DEMBO: Any other comments about this amendment?

MS. STATEN: I think it's not just about this amendment, it's really about the whole thing.

Ruth Staten, College of Nursing.

Something that just keeps sticking with me is that we're dealing with in the search, our elected faculty representatives, Board of Trustees' representative, and you had no real warning that this was going to happen. And I guess in some ways that bothers me as much as a lot of this discussion, that

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where is the dialogue between the faculty that we have elected to represent us and the President?

And does this address it, or do we need to look at something different. I think it's kind of said in your statement. Am I the only person being bothered by that piece of it?

CROWD: No.

MS. STATEN: I think, given these amendments, do you have to vote on this amendment?

CHAIR DEMBO: Well, this discussion right now should be limited only to this amendment, then we'll go back to the entire resolution.

Are there any other comments about this amendment?

MR. RANDALL: May I make a comment that's not about the amendment?

CROWD: No.

COURT REPORTER: May I have your name for your "no comment"?

MR. RANDALL: Kaveh Tagavi.

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(LAUGHTER)

MR. KENNEDY: Kaveh would never have no comment.

MS. WALDHART: I would like to speak against this amendment.

I believe the way things were worded originally is much more likely to encourage good will.

I think there is enough clear sentiment that I don't think we have to say it here. And I think this tries to put blame. And the whole reason for the original resolution was to say: It was a messed up search; we would like to go on from here and to work on guidelines so that it doesn't happen again. And so I think that this additional phrasing comes at the wrong place.

CHAIR DEMBO: Does this address the amendment?

MS. MAZUR: Yes.

COURT REPORTER: Your name, again, please.

MS. MAZUR: Joan Mazur, College of Education.

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I respectfully, seriously disagree with that. We are acting like classic victims in my -- We have to somewhere in this say what our actual reason -- there's been a real betrayal here and loss of good will. We did absolutely nothing in this search process to try to participate.

You know, I don't think we need to -- perhaps if we didn't in point of fact violate the charge technically, that should be reworded. But there is absolutely -- and I applaud this word -- absolutely and completely a loss of good faith in this matter. And we are looking for people to be people of their word.

Provost Nietzel did not -- He said he wouldn't apply. You know, when can we actually say, we really would like to believe what he said to us? And I do not think that that is -- I think, you know, that this gets back to Professor Dembo's point about, we can't disagree -- I think that's inappropriate.

You know, we cannot say that we are really concerned about the loss of good faith here. I

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mean, that's what my colleagues that I represent are concerned about. And I think that we should say that clearly and directly. And I think it's not a matter of blame; it's a matter of honesty. You know, where's our transparency. When do we say what is really on our minds?

I really strongly think that we need to say something. I don't think we have to point a finger. I think we all know what happened here. I think we have to state our position, though, and this is the rationale for this amendment, more than anything is this loss of good will. I think it's an excellent addition.

MR. TAGAVI: I have a question. I've never done this before, but there's only five minutes and we have two more calling for the question on the amendment and then after that, calling question for the whole proposal.

CHAIR DEMBO: Okay. So you are calling for limited debate, call the question on the --

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MR. TAGAVI: Got it.

(LAUGHTER)

CHAIR DEMBO: All in favor,
signify by raising your hand.

(HANDS RAISED)

CHAIR DEMBO: All opposed?

(HANDS RAISED)

CHAIR DEMBO: Okay, so that's
two thirds. Okay, so now we get to vote on this
amendment.

All in favor of this amendment, raise
your hands?

(HANDS RAISED)

CHAIR DEMBO: All opposed?

(HANDS RAISED.)

CHAIR DEMBO: What do you
think, Professor Blyton? Let's try it once again. All
in favor of this amendment? We have an eyewitness
here.

(HANDS RAISED)

CHAIR DEMBO: All opposed?

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(HANDS RAISED)

MR. BLYTON: Majority.

CHAIR DEMBO: Majority. So
the amendment stands as made. Okay.

So to discontinue debate on the original
proposal. Okay. All in favor of discontinuing debate
on the original proposal, signify by raising your hand.

(HANDS RAISED)

CHAIR DEMBO: All opposed?

(HANDS RAISED)

CHAIR DEMBO: Okay.

("AYES" IN MAJORITY)

CHAIR DEMBO: Before you go
out, I just want to say thank you for the scholarly
discussion that you had. I think that having nothing
coming forward from the Senate would be sending exactly
the wrong message. It may not be perfect in what it
says and for that I think there has to be some degree
of trust in the Senate Council to have heard the
discussion that we had today and to try to carry that
forward, including communicating to the President that

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the Senate wants specifically to hear him talk about this. And perhaps we can do that at the Senate Council.

I know this sometimes drags on, but if the Senate can't address any meaty issues like this then all the rest of it becomes trivial.

So all in favor of the resolution as amended, raise your hands?

(HANDS RAISED)

CHAIR DEMBO: All opposed?

(HANDS RAISED)

CHAIR DEMBO: A few are opposed. Okay.

MR. TAGAVI: Are we supposed to count?

MR. CIBULL: No, no.

CHAIR DEMBO: Let me ask your opinion. Professor Samuel from the Med Center Task Force for the Provost Model is here to talk about the committee report. It will also be open forum, at which

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you can respond. And I must apologize for not having had the time. If you want to, those that are willing to stay around and listen -- or want them to do so?

MR. SAMUEL: I think we're better off waiting until Friday with an open forum.

CHAIR DEMBO: Okay.

(RECORD CLOSED)

(MEETING CONCLUDED AT 5:00 P.M.)
