

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

25 November 1986

TO: Members, University Senate

The University Senate will meet in regular session on Monday,
December 8, 1986, at 3:00 p.m. in room 115 CON/HSLC Building.

AGENDA:

1. Minutes of 13 October 1986.
2. Resolutions.
3. Chairman's remarks and announcements.
4. Action Item:
 - a. Proposed change in University Senate Rules, Section VI - 5.1.2 b. regarding the ability of the Appeals Board to assign letter grades. (Circulated under date of 21 November 1986.)
5. Report on Presidential Search Committee.

Randall Dahl
Secretary

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ANNOUNCEMENTS

SENATE MEETING

DECEMBER 8, 1986

1. ^W END-OF-SEMESTER PARTY WITH BOARD OF TRUSTEES, PRESIDENT AND MRS. SINGLETARY, AND OTHERS TOMORROW, 4:00 to 6:00 P.M., KING ALUMNI HOUSE. IF YOU CAN'T BE THERE AT 4 O'CLOCK, COME WHEN YOU CAN, BUT PLEASE COME. REMEMBER SPOUSES ARE INVITED.
2. SENATE COUNCIL BREAKFAST MEETINGS ARE GOING VERY WELL.
 - ✓ -SENATE COMMITTEE CHAIRPERSONS
 - ✓ -CHANCELLOR WETHINGTON
 - SELECTED ADMINISTRATORS
 - STUDENT LEADER GROUPS
 - FAYETTE COUNTY LEGISLATORS
 - OTHER INDIVIDUALS AND GROUPS TO BE IDENTIFIED LATER
3. NEW THINGS IN THE WORKS:
 - PROPOSAL FOR M.S. IN PHYSICAL THERAPY.
 - PROPOSAL FOR M.S. AND Ph.D IN BIOMEDICAL ENGINEERING.
 - RECOMMENDATION ON PART-TIME INSTRUCTORS.
 - REVISION OF EXCUSED ABSENCE POLICY.
 - CONNIE WILSON WILL GIVE REPORT FROM BOARD OF TRUSTEES AT FEBRUARY MEETING.
4. OMBUDSMAN SEARCH COMMITTEE:
 - PROFESSOR JIM KEMP, CHAIRMAN
 - PROFESSOR ENID WALDHART
 - MS. KAREN SKEENS - SENIOR BUSINESS AND ECONOMICS
 - MR. MEHRAN JAHED - GRADUATE STUDENT
5. NOMINATIONS DEADLINE IS DECEMBER 12. SEND NOMINATIONS TO JIM KEMP, ANIMAL SCIENCES DEPARTMENT.
6. NEW MEMBERS OF SENATE COUNCIL BEGINNING 1 JANUARY 1987.
 - PROFESSOR CHUCK AMBROSE
 - PROFESSOR JIM APPELGATE
 - PROFESSOR JIM WELLS
 - PROFESSOR DON LEIGH*
7. BOARD OF TRUSTEE FACULTY MEMBER ELECTION IN PROGRESS - NOMINATIONS BALLOT DONE. RULES AND ELECTIONS COMMITTEE PREPARING FIRST BALLOT WITH SIX OF THE TOP CANDIDATES ON IT. BALLOT OUT ABOUT FIRST OF YEAR.
8. NOMINATIONS FOR ACADEMIC AREA ADVISORY COMMITTEES BY JANUARY 9.
9. JOINT MEETING OF SENATE COUNCIL AND INSTITUTIONAL FINANCES AND RESOURCES COMMITTEE WITH JIM KING.

MINUTES OF THE UNIVERSITY SENATE, DECEMBER 8, 1986

The University Senate met in regular session at 3:00 p.m., Monday, December 8, 1986, in Room 115 of the College of Nursing/Health Sciences Building.

Wilbur W. Frye, Chairman of the Senate Council, presided.

Members absent were: Frank Allara, Sandra Allen, Robert A. Altenkirch*, Charles T. Ambrose, Richard Angelo*, Michael A. Baer, Charles E. Barnhart, Raymond F. Betts, Ronn Borgmeier, Jeffery A. Born, Peter P. Bosomworth, Ray M. Bowen*, Daniel J. Breazeale, Joe Burch, D. Allan Butterfield, Bradley C. Canon, I. K. Chew, Richard R. Clayton*, Emmett Costich, George F. Crewe*, Frederick Danner, Robert Lewis Donohew*, Anthony Eardley, Donald G. Ely*, James Freeman* Richard W. Furst, Thomas C. Gray, Donna G. Greenwell*, Marilyn D. Hamann*, Jody Hanks, Zafar Hasan*, Roger W. Hemken, Ronald C. Hoover, Raymond R. Hornback, Jennifer Jacquet, Mehran Jahed, James O. King, James R. Lang, Robert G. Lawson, Donald Leigh*, Bruce A. Lucas, Edgar D. Maddox, Paul Mandelstam*, Sally S. Mattingly*, Patrick J. McNamara, Robert Murphy, Michael T. Nietzel*, Robert C. Noble*, Arthur J. Nonneman, Thomas Olshewsky*, Alan Perreiah*, John J. Piccoro*, Robin D. Powell*, David J. Prior, Peter Purdue, G. Kendell Rice, Frank Rizzo*, Christy Robinson, Thomas C. Robinson, Thomas L. Roszman, Wimberly C. Royster, Edgar L. Sagan, Karyll N. Shaw*, Timothy Sineath*, Otis A. Singletary*, Nathan R. Sullivan, Joseph V. Swintosky*, Sheree Thompson, Thomas L. Travis, Enid Waldhart, Marc J. Wallace, James Wells, Charles T. Wethington, Carolyn Williams*, Constance P. Wilson, and Peter Winograd.

The Minutes of the meeting of October 13, 1986, were approved as circulated.

Chairman Frye recognized Associate Professor Emeritus, Jean Pival, for a Memorial Resolution on Leila Gott Harris.

MEMORIAL RESOLUTION

Leila Gott Harris

Leila Gott Harris died on November 7, 1986, at the age of 86. Ms. Harris retired in July, 1970, but continued her teaching duties in the English Department until July, 1971. A native of Ontario, Canada, Ms. Harris earned a teacher's certificate from Hamilton (Ontario) Teachers' College and taught in the public schools in Ontario until her marriage to Kilroy Harris, an Australian journalist-lecturer. In 1930, they moved to Berea, Kentucky where she earned an AB from Berea College in 1943. In 1945, she was awarded an MA in English from the University of Kentucky.

In 1943, she became a Teaching Assistant in the English Department and was awarded a Haggin Fellowship. From 1944-1956, she was an instructor. In 1956, she was granted tenure as an Assistant Professor.

*Absence explained

While she was in Berea, she co-authored a number of children's books with her husband: two novels, Blackfellow Bundi: A Native Australian Boy, 1939; The Lost Hole of Bingoolā, 1942; a social science reader still used in Canadian and British Schools; and a travel series for elementary schools--It Happened in Australia, It Happened in South Africa, and Sunny Australia. A talented musician, she also wrote and published many children's songs.

During her years at Berea, Ms. Harris spent many afternoons riding horseback over the country roads around Berea. Through this activity, she became acquainted with many poverty-ridden women living in the mountains and was appalled by their poor health conditions. With the aid of other interested women in Berea, she formed the Mountain Maternal Health League to supply health and birth-control aid to the impoverished women she had contacted. Since birth-control supplies could not be sent through the mails at that time, they were brought to Berea by her husband when he returned from his lecture tours and were delivered on horseback by the volunteers.

Ms. Harris is remembered by her colleagues and students as a dedicated, inspiring, and demanding teacher of writing, speech, and the humanities. Always willing to give of her time to students, she volunteered to tutor many who needed extra help. When the program for Martin Luther King Scholars was started, she volunteered several of her summers to teach writing to minority students.

She became a naturalized citizen of the United States in 1945, the year she and her family moved to Lexington. Her exemplary citizenship is attested by her active involvement in service and civil rights organizations. While at the University, she was an active member of the American Association of University Women.

After her retirement, she pursued a lifelong hobby of painting. Ms. Harris became a Donovan Scholar and studied art with Robert Foose and others in the Art Department. In her early eighties, she showed and sold many of her paintings, one of which has been donated by her family to the Faculty Club.

Her husband, Kilroy Harris, died several years ago. She is survived by a son, Kenward Kilroy Harris, a lawyer in Washington D.C., a sister, Irene Laverty of Lexington, and two grandchildren.

Steeped in a liberal arts tradition, Leila Harris was a liberal in the true sense of the word and her contribution to the humanities at the University of Kentucky cannot be measured. She served as a role model of professional integrity not only to her students, but to her

fellow colleagues. And more importantly to me, she was a pioneer for women in the academic world, opening up for future women possibilities not available to her.

Ms. Pival requested that the Memorial Resolution be spread upon the Minutes and that copies be sent to the family. Chairman Frye asked the Senate to stand for a moment of silent tribute.

The Chairman made the following announcements and remarks.

"I would like to remind everyone of the end-of-semester party with the Board of Trustees, President and Mrs. Singletary, and others which is scheduled tomorrow from 4:00-6:00 p.m. in King Alumni House. If you can't be there at 4:00, come when you can, but please try to come. Also, remember spouses are invited.

The Senate Council Breakfast Meetings that Bill Lyons reported to you on at the last Senate meeting are going quite well. We have had two breakfast meetings so far. The first was with the Senate Committee Chairpersons and the second one was with Chancellor Wethington of the Community College System. We feel these have been very valuable to us and have been beneficial in a lot of different ways, and we expect to continue them throughout the rest of the year. We plan to meet with selected administrators, student leader groups, Fayette County legislators, and other individuals and groups that we might identify at a later time.

There are several new things in the works that I might mention to you. There is a proposal for an M.S. program in Physical Therapy and a proposal for an M.S. and Ph.D. in Biomedical Engineering. A recommendation on part-time instructors will be coming out of the Senate Council soon. We are also working on a revision of the excused absence policy and that should be coming to the Senate in February. It is not an attendance policy. There has been some misunderstanding about that. An instructor may require attendance as part of the grading, but it is an excused absence policy.

Connie Wilson will give her report from the Board of Trustees in February. I will remind you there is no Senate meeting in January, so the next meeting will be in February.

The Ombudsman Search Committee is being formed and is about ready to begin work. The chairman of that committee is Professor Jim Kemp from the Animal Sciences Department. Professor Enid Waldhart is on the committee, Ms. Karen Skeens, a senior in Business and Economics is the undergraduate student on the committee and Mr. Mehran Jahed is the graduate student member of the committee. The nominations deadline for ombudsman is December 12. If you have nominations, send them to Jim Kemp.

There are four new members of the Senate Council beginning January 1, 1987. They are Professors Chuck Ambrose, Jim Applegate, and Don Leigh, who were elected to the Senate Council, and Jim Wells was appointed to the Senate Council to take the seat vacated by Bob Hemenway.

The Board of Trustee Faculty Member election is in progress. The nomination ballot has been completed. The Rules and Election Committee is preparing the first ballot with the six top candidates on it. That ballot should be out around the first of the year. The six top candidates are Professors Bob Bostrom, Mike Brooks, Mary Sue Coleman, Ward Crowe, Marcus McEllistrem and Robert Spedding.

The nominations for the Academic Area Advisory Committees and other important committees are due January 9. I sent a memorandum to all of you a few days ago. I would like to remind you of the importance of getting names from you for those committees. Please, as soon as you have the opportunity to do that, prepare a list and send it to us.

There will be a joint meeting of the Senate Council and Institutional Finances and Resources Committee with Jim King on December 18. This is a result of the expected budget cuts that are being talked about around campus at the present time. We hope to meet with Jim King and perhaps others and find out some information about that.

The Senate Council felt we needed to have an update on the University faculty situation with regard to liability insurance. Dr. Jack Blanton agreed to come today and give us an update report on the liability insurance."

Chairman Frye recognized Dr. Jack Blanton, Vice Chancellor for Administration who gave the following report:

"Thank you Dr. Frye and good afternoon ladies and gentlemen. I am pleased to be here to speak to you this afternoon. I have brought with me Mr. Bruce Miller who is the University guru of liability insurance. He and I have learned more about liability insurance than we would have preferred over the last twelve months, but if you have questions after we are through, I will be very pleased to try to answer them. If I can't, I'm sure Bruce can. This will be a brief report. It constitutes an update of my memorandum to the campus that was sent in August setting forth the various avenues we were pursuing in an effort to get errors and omissions--active malpractice insurance--if you will, for faculty and staff of the University of Kentucky. Our insurance was cancelled last spring because the company that was our underwriter decided it would no longer issue that kind of insurance.

As I said in August, we were pursuing four avenues for obtaining liability insurance. The first of those was with the national, and even international insurance brokerage firm, Marsh and McLennon. We gave them an exclusive "agent of record letter" which meant they could be the only group that would be representing the University since we had asked a number of companies to try to get insurance and they were getting in each other's way. The best advice we had was to contract with someone that was a heavy hitter in this league and see if they could acquire the insurance for us. They have worked diligently we are persuaded, since last spring and they have had no results whatsoever in acquiring liability insurance for us from a commercial company. I would say to you that given their track record to date, I don't think it is likely they are going to be able to buy insurance for us in the private market. We have decided we must go beyond that because we expected that might indeed be the outcome.

A second alternative we are pursuing, led by myself and the Vice President for Business at the University of Louisville, is to put together a consortium of all of the public universities in Kentucky -- there are eight of us -- and enter into a self-insurance program. In order for that to take place, it will be necessary for a commercial underwriter to come and look at the risks, the exposure if you will, at each of the eight institutions in the Commonwealth. Once they have examined our track record, they will tell us what they think is necessary in the way of capital funding for us to establish a self-insurance fund. It would then be necessary for us to form a legal trust fund. Under the terms of that trust agreement we would self-insure. That trust agreement could be managed by some external agent such as a bank. That process is proceeding ahead. On the 17th day of this month we will open proposals under the purchasing consortium that exists in Kentucky for selection of an underwriter that will visit our campuses and advise us on what would be required of us to enter into this form of self-insurance. We know initially that will not be a large amount of insurance coverage. We would not have the resources initially to put millions into the fund which would be required to have an adequate self-insurance program. What we could perhaps do is get what is called the first layer of insurance. Then we could go into the commercial market or go elsewhere and buy excess aggregate insurance which would cover us for large kinds of claims that would be protection for all faculty and staff. That has good prospects. We are proceeding ahead with it, but it is moving more slowly than we would have preferred. No less, it is going ahead.

The third avenue we are approaching is with something called URMIA -- The University Risk Managers and Insurance Association. This is a group comprised of persons such as

Mr. Miller, who is the Risk Manager for the University of Kentucky. They are in the process of using a consultant, the firm of Karun and Black, well-known insurance consultants, to establish a mutual insurance company where all universities covered by this mutual company will own it and will write insurance for the members only. If you are insured under this company, then you are a part-owner of the company. The limits of this policy we don't know at this time. They will not be large multimillion dollar sums, we are sure of that, at least in the beginning. They need \$750,000 as the capital for the establishment of this company. We may indeed be one of the subscribers for this firm. It is a company which is to be chartered in the state of Tennessee under the laws of the state of Tennessee. They hope to be in business by February 1. Their initial target date was October 1, and they have missed that deadline, but they are still proceeding ahead. They ran afoul of the insurance commissioner in Vermont where they had originally planned to charter the company.

The fourth avenue we have approached is with a group called SCUUL, which is something to be wondered about! This is an acronym for School, College, and University Underwriters, Ltd. The firm of Marsh-McLennon again along with Morgan Guarantee Co., which is one of the large Wall Street firms, are forming a for-profit company, an off-shore company, that will be headquartered in Bermuda because of various tax laws that are applicable to insurance companies in the United States of America. That is not uncommon. Bermuda is full of insurance companies. This company required a \$2,000,000 capitalization, and the institutions they went to for the capitalization were largely the private institutions with big endowments that could help capitalize the company. They are forming what is called a "captive company" that will write only liability insurance for colleges, universities and schools. The company was successfully capitalized at the end of November. Those members, and there were some nineteen of them, were the initial subscribers that raised the \$2,000,000. They are covered because they were catitalizers of the company. Other institutions can make application in the month of December, and the company hopes to be able to write contracts in February. They are going to be very selective about the universities they let into this company. They are not going to take in any institutions that have had a long history of bad experience with respect to malpractice insurance for professors and staff. We have asked them to send us an application. We have no idea what the premium for such insurance will be, but this company also offers us the opportunity for malpractice insurance, errors and omissions liability insurance. The SCUUL Company will indeed offer, we hope, the excess aggregate kind of insurance that we would buy for liability insurance and, therefore, if we can get the first layer under our own self-insurance, a second layer

with the URMIA group; then we could be insured for several millions of dollars through the off-shore company that is headquartered in Bermuda.

The bad news is that we had hoped to have liability insurance when we entered this school year. We have not been successful with that. The good news is that there is some opportunity out there. We would hope to have insurance before this school year is out for those of you who are here and others on the campus. We are now 99 percent sure we will have insurance commencing with the school year next fall for certain. Let me stop there and see if you have any questions you would like to ask."

Professor James Applegate (Communications) said many of his colleagues had been working in getting membership through the AAUP as temporary measures to cover themselves during this period. He wanted to know if there was any problem for faculty who wished to go that route on a temporary basis to cover themselves to help the faculty to pick up the cost of that insurance. Dr. Blanton said the University had been confronted with that issue and if there was no success in covering everyone by next fall, then that possibility would have to be examined. He added that would be the last resort, because it would be very difficult to administer. There are a number of associations but the University does not want to piecemeal it, but prefers to cover faculty and staff with one umbrella policy.

Professor John Just (Biology) wanted to know if the upper administrators had liability insurance. Dr. Blanton said the trustees, the president, the vice presidents, the chancellors, the vice chancellors and the deans are covered under the policy which is in effect today. Professor Just said it seemed to him there was a greater risk for those who worked in laboratory situations than someone in English, and he was amazed that nothing has been done. Dr. Blanton said the reason insurance companies are not covering laboratory personnel is that they agree with Professor Just. He said a professor's work is probably more risky than that of a trustee. He said the University has had no offers from anybody, including Lloyds, to insure the whole faculty and staff at the University. Professor Just wanted to know what he should do -- shut down the lab and refuse to be in charge. Dr. Blanton said if Professor Just felt he had that kind of exposure, then it was a decision he had to make.

Professor JoAnn Rogers (Library and Information Science) said she had brought some information about the AAUP insurance plan in case anyone was interested while the University was searching. The annual fee is \$61.20 for \$500,000. The AAUP is trying to get a salary deduction possibility for the faculty, and until the University has a policy, she felt it would be nice to take a monthly amount from the paycheck to cover themselves. Professor Hans Gesund (Engineering) said that AAUP would not cover personal injuries which was a problem for lab directors. He suggested that the insurance should cover the lab personnel. He added it was also a problem for the students and strongly urged the University not to overlook the students.

Professor Jesse Weil (Physics and Astronomy) wanted to know what the timetable was for the first level of coverage outlined and what was included. Professor Rogers said the coverage was for dismissals, suspension, and

and disciplinary infractions. She said there was limited coverage. Professor Weil wanted to know what kind of timetable was anticipated. He wanted to know if people would come in and give advice. Dr. Blanton was not sure and said that would be one of the things covered when the proposals were opened in December. He said the institutions had been asked to collect data in order to make the task easier. He felt it would take two or three months to get through the initial review, put the data in the computer to know what each institution would have to put up. He said that would probably take until the end of the semester. He said the quickest thing might be the SCUUL program and we might be insured as early as February.

Professor Constance Wood (Statistics) said that obviously there was someone willing to underwrite the policy for AAUP and wanted to know who that was. Professor Rogers said the company was Home Insurance Company of Illinois. Professor Weil said he had been told by State Farm Insurance that they would write liability coverage. Dr. Blanton said that when the company the University was with decided to go out of business, there was not a company in this country that would insure an institution where there are 10,000 employees, a medical center, and is a major research university. He said that AAUP coverage was very different than that of a very complex university.

Professor Philip Palmgreen (Communications) said he had called the Washington office of the AAUP and was told that normally a person had to be a full-time member to be eligible for the insurance. Professor Lawrence Harris (Mathematics) wanted to know what the University was presently paying for the liability coverage for the directors and officers and how much the University is willing to pay for the coverage they wanted. Dr. Blanton said he did not know the answer to the second question, but the cost was \$93,000 per annum for the officers and directors. How much the University is willing to pay would depend on the budget situation.

Professor Just wanted to know if Dr. Blanton was essentially telling the faculty that the University was saying if one did not want to get sued in a lab situation, the only option was to refuse to teach a course. Dr. Blanton said he did not offer any advice. He said, "You will have to make your own decisions in consultation with whomever you wish to consult."

Professor Applegate wanted to know if the state understood that without liability insurance the University might have to shut down. He said if some astronomical fee had to be paid for the insurance that would be subtracted from the budget, which has already been cut once, the University may be talking liability insurance at the expense of laboratories. He added that the University might not have the money to run the labs. He wanted to know if there had been any word from Frankfort that they would be willing to make a special effort for the University. Dr. Blanton said Frankfort was aware and there was a task force headed by a former state legislator that is examining insurance for the entire state. He said the State Legislature is attempting to formulate some kind of legislation that will give us relief. Before they can do that the Governor would have to have a special session. The next regular session is January 1988. "They are sympathetic with our plight, they are understanding and yes we are in our own boat," he said.

The Senate showed their appreciation by giving Dr. Blanton a round of applause.

The Chair recognized Professor William Lyons. Professor Lyons, on behalf of the Senate Council, moved approval of the proposed change in University Senate Rules, Section VI - 5.1.2 b. regarding the ability of the Appeals Board to assign letter grades. This proposal was circulated to members of the Senate under date of November 21, 1986.

The Chair said the proposal needed no second since it came from the Senate Council. Professors Constance Wood and William Fortune were on the ad hoc Student Affairs Committee chaired by Professor Michael Brooks. Since Professor Brooks was unable to be at the meeting, Professors Wood and Fortune came to answer questions. The floor was opened for discussion of the motion.

Professor Juanita Fleming, Associate Vice Chancellor for Academic Affairs, Medical Center, said that a student in the College of Medicine cannot withdraw from a required course. She added that a P cannot be given for a required course. She did not feel the proposal should be grossly changed, but that fact should be considered when passing the motion and some modifications should be made. Professor Charles Byers (Academic Ombudsman) said the rationale presented was in error a little. According to the Senate Rules the Appeals Board awards a student a P even though it is a required course in a student's program.

There was no further discussion on the motion, which passed and reads as follows:

Proposal: (underlined portion=new; delete bracketed portion)

5.1.2 Cases of Student Academic Rights

After hearing a case involving a violation of student academic rights as set forth herein, the Board may select from the following remedies:

- a. The Board may direct that a student be informed about the content, grading standards, and procedures of a course when a violation of the pertinent rules has been proved.
- b. [The Board may direct that a student's grade in a course be changed, but only to a W (withdrawal) or a P (passing, credit toward graduation but not toward grade point standing) when an academic evaluation based upon anything other than a good-faith judgment of a student has been proved. Under no circumstances shall a student's grade be lowered as a result of his/her appeal.] When an academic evaluation based upon anything other than a good-faith judgment of a student has been proved, the Board may direct that a student's grade in a course be changed to a W (Withdrawal), or a P (Passing, credit toward graduation but not toward grade point standing), or, if such determination can be made, to an appropriate letter grade. (See Section V - 1.1)
- c. The Board may take any other reasonable action calculated to guarantee the rights stated herein.

Background and Rationale:

The current University Senate Rules allow the Appeals Board to change a grade to P or W. The Ombudsman receives an estimated four cases per year in which a good case can be made for changing the student's grade, but a P or W would damage the student. Such cases might include students in pre-professional or professional programs, graduate students, and other students who are required to have letter grades in certain courses.

Professor Charles Byers, Academic Ombudsman, requested that the Senate Council consider recommending a rules change to permit the Appeals Board to assign the appropriate letter grade when it has been proved that an academic evaluation was based on anything other than a good-faith judgment of the student. The Senate Council referred the matter to the newly formed ad hoc Committee on Student Affairs, chaired by Professor Michael Brooks.

The Committee on Student Affairs recommended to the Senate Council that the following two changes be made in the University Senate Rules, Section VI - 5.1.2.b.

1. That the Appeals Board be permitted to assign a letter grade where it can be proven that an alternative grade is appropriate and the appropriate letter grade can be determined. In such a case, the student should have that option. The committee reasoned that "denying this option penalizes the very good student who appeals a B but cannot receive an A which he/she earned, and indeed may penalize any student for appealing by arbitrarily denying them quality points to apply toward his or her grade point standing."
2. That the sentence be deleted that reads, "Under no circumstances shall a student's grade be lowered as a result of his appeal." The Committee offered three reasons in support of this recommendation: (a) careful investigation might cast the student's appeal and grade in a different light and, although unlikely, might dictate that the grade should be lowered; (b) it would discourage frivolous appeals; and (c) it would ensure that the student understands the serious nature of the appeals process.

The Senate Council recognizes the nearly exclusive right of the instructor, under ordinary circumstances, to assign grades and was reluctant to tamper with that right. At the same time, the Senate Council acknowledges the right of a student to be evaluated on nothing more or less than a good-faith judgment of performance and to receive the grade he or she has earned.

Further the Senate Council is aware that the number of such cases (estimated to be about four per year) may seem

insignificant; however, proven cases of injustice cannot be insignificant regardless of how few the number.

The last item on the agenda was a report from the Presidential Search Committee. Chairman Frye said he had wanted to get Bob McCowan, Chairman of the Search Committee, to give the report. Mr. McCowan was unable to attend the meeting. The second choice was Mary Sue Coleman, who was also out of town. Therefore, Chairman Frye gave a report from the committee.

Chairman Frye's remarks follow:

"What I would like to do is take a few minutes to tell you a little bit about the committee, its activities, and give you some of my impressions of the situation where we stand right now. The members of the committee are: Bob McCowan, Chairman from Ashland; Albert Clay, Mt. Sterling; Ted Lassetter, Lexington, Frank Ramsey, Madisonville; and Jim Rose, London. These are the Board of Trustee members. Donna Greenwell is the student member from Morganfield; Tim Cantrell, the faculty member from the Community College System from Madisonville; Mary Sue Coleman, Bob Guthrie and I are faculty representatives from the University System.

We had a bit of difficulty getting started back in the summer after the committee was formed. The committee felt it was important that we have closed meetings. Some of our earlier meetings had to be cancelled because of a suit that was filed by the Herald-Leader. Time was not entirely wasted, because we had some sub-committee activity going on and some individual work that ended up producing an announcement and a list of qualifications guidelines. We made fairly good progress even though we were not able to meet as a committee.

Some of the committee activities have been to solicit nominations widely. To give you an idea about some of the means we have gone to to solicit nominations, we distributed a memorandum to 3700 faculty, administrators, and professional staff throughout the University. This was done early in August. We sent individual letters to the Chairmen of the 13 Advisory Boards of the Community College System, also in August. We sent letters to 24 members of the Board of Directors of the University of Kentucky Development Center. Letters were sent to 88 of the Board of Directors of the University of Kentucky National Alumni Association, and we sent letters to presidents and chancellors of 178 universities and colleges. In addition to that, an advertisement was made in The Chronicle of Higher Education in the August 6, September 3 and September 16 issues. Also, an advertisement in Black Issues in Higher Education in August. A letter to alumni in the Kentucky Open Door was sent to 92,000 alumni. That was early in September. You can see that we have solicited nominations from a wide list. In addition to that, we have made some individual contacts. Committee members have made

personal contacts to people we felt were particularly well qualified for the position.

We have considered perhaps 150 to 200 persons who were nominated or applied for the position. Dr. Sears contacted each of these individuals to determine their interest and asked them to send us needed information. The preliminary screening that we did shortly after the beginning of October was mainly on the basis of experience. We have done a good amount of screening of nominees and applicants.

We are still accepting nominations and aggressively searching for additional highly qualified prospective candidates. There was no deadline set, contrary to some erroneous reports. We are continuing the screening process, and we are preparing to do some preliminary meetings with prospective candidates.

To give you a brief report on my impressions and feelings about the situation, I think we have an excellent search committee with a single-minded goal and that is to search out the best qualified person to lead this University that we can possibly find. I don't think there is one person on that committee who doesn't have that goal as the number one goal. We have adopted a reasonable, effective process that we believe has an excellent chance of leading us to a very fruitful conclusion of our efforts. We have a number of outstanding, highly qualified prospective candidates who are interested in the position and in whom we are interested. We plan to move ahead vigorously toward the completion of our task. Do you have any questions?"

Professor James Kemp (Animal Sciences) wanted to know who was going to be on the Board of Trustees. The Chair said as far as he knew no one in the state knew. Professor Jesse Weil (Physics and Astronomy) wanted to know the stages of the screening process and how many candidates were in serious consideration. Chairman Frye said the committee kept adding more names to the list and removing names through the process. He said there were probably between 30 and 40 at the present.

Professor Mike Ram (Surgery) wanted to know if only Ph.D.'s were being considered. Chairman Frye said the committee put a great deal of emphasis on the academic qualifications of the candidates. Professor Weil wanted to know if the committee was getting nominations from people with substantial experience in administration and higher education. The Chair answered in the affirmative. He said the committee was very interested in those people. He said when talking about the University of Kentucky to prospective candidates, he had found that the University had a very good reputation around the country and was known not just for its basketball but also for its excellent academic progress.

Professor Andrew Grimes (Management) wanted to know at this stage whether or not the committee will be presenting a slate of possible candidates for

consideration to the Board of Trustees and if so, how many people might be on that slate. The Chair said the committee had talked about what their procedure would be in that regard, but a conclusion had not been made. Professor Curtis Absher (Animal Sciences) wanted to know if the committee would conduct the interviews or would the Board of Trustees do the interviewing. Chairman Frye said that had not been resolved. The preliminary visits will be conducted by the search committee. The final interviews have not been decided yet.

Chairman Frye said the list of qualifications are guidelines. Because they did not include the Ph.D. did not mean that the next President of the University of Kentucky will not have a Ph.D. It simply means the committee did not want to limit themselves in the initial stages. They wanted to solicit nominations from as broad a group as possible. Who is finally selected will be determined by the committee.

Professor Just wanted to know how many of the State institutions had someone who did not have the highest academic degree at the present. Chairman Frye did not know the answer, but he said there were probably few. Professor Peggy Meszaros (Home Economics) wanted to know if the committee had a contingency plan if no one had been chosen by July 1. The Chair said the committee had not talked about that. He said they had kept the goal of having someone identified, hired and ready to move in by July 1.

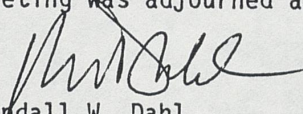
Professor Malcolm Jewell (Political Science) said that several universities in the state in the last year or two had gone through the process of bringing to the campus candidates for meetings with students and faculty. He wanted to know if the committee would be following that policy. Chairman Frye said the committee had not decided how to handle that but were certainly aware of the dangers of too much publicity too early. The better the candidate the more likely it would be to lose that person early in the game. At the same time the committee realizes that the University regulations require that those persons come to the campus to be interviewed by certain groups that are identified. He said the committee could not avoid at some point in the game bringing those people to the campus.

Professor Robert Spedding (Pediatric Dentistry) wanted to know how many of the present candidates had a Ph.D. Chairman Frye did not know but said that the majority of them did have a Ph.D. Professor Andrew Grimes (Management) wanted to know if the conflict between the desire to maintain the confidentiality of the discussions with candidates of high quality and the necessity of the process to be visible and open enough so that those who have some stake in the issue could influence the process could be resolved to include ways of providing opportunity to encourage that participation in the intricate process in which everyone is concerned. Chairman Frye said there were three faculty representatives and one student representative on that committee. He said that was the approach to make some input into the decision, or to work through the Board of Trustees as well. He said there were excellent prospective candidates on the list who would not be there if this had been an open search. Therefore, the committee must maintain some confidentiality. He told the Senate to make their input through the search committee and then trust them. The committee's one goal is to identify and search out the best qualified person to be the President of the University of Kentucky.

Professor Constance Wood (Statistics) wanted to know what portion of the applications were coming from outside the state. Chairman Frye said most of the applications were from outside the state and the wide solicitation of nominees has produced candidates all over the country. Professor Grimes wanted to know if Chairman Frye had read in the paper that the Governor had recommended a code of ethics for the state government and wondered if the code of ethics made his job as committee member any easier. The Chair could not make any comment because he had not read the article.

Professor Weil wanted to know who was doing the screening and the Chair's reply was that the search committee was responsible.

There were no further questions, and the meeting was adjourned at 4:15 p.m.


Randall W. Dahl
Secretary of the University Senate

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UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

3 December 1986

Dr. Jack C. Blanton
Vice Chancellor for Administration
110A Administration Building
CAMPUS 00324

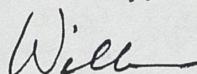
Dear Jack:

I am pleased that you will be able to come to the University Senate meeting to report on the status of liability insurance coverage for members of the faculty.

The Senate meets Monday, December 8 at 3:00 p.m. in room 115 CON/HSLC (Nursing Building). Since other agenda items will occupy the early part of the meeting, you may wish to delay your arrival until about 3:30 p.m., but you will be welcome to attend all of the meeting.

Thanks for accepting our invitation. We look forward to your report.

Sincerely,



Wilbur W. Frye
Chairman

cc: Otis Singletary

WWF/stb

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

21 November 1986

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, 8 December 1986. Proposed change in University Senate Rules, Section VI - 5.1.2 b. Ability of Appeals Board to Assign Letter Grades.

Proposal: (underlined portion=new; delete bracketed portion)

5.1.2 Cases of Student Academic Rights

After hearing a case involving a violation of student academic rights as set forth herein, the Board may select from the following remedies:

- a. The Board may direct that a student be informed about the content, grading standards, and procedures of a course when a violation of the pertinent rules has been proved.
- b. [The Board may direct that a student's grade in a course be changed, but only to a W (withdrawal) or a P (passing, credit toward graduation but not toward grade point standing) when an academic evaluation based upon anything other than a good-faith judgment of a student has been proved. Under no circumstances shall a student's grade be lowered as a result of his/her appeal.] When an academic evaluation based upon anything other than a good-faith judgment of a student has been proved, the Board may direct that a student's grade in a course be changed to a W (Withdrawal), or a P (Passing, credit toward graduation but not toward grade point standing), or, if such determination can be made, to an appropriate letter grade. (See Section V - 1.1)
- c. The Board may take any other reasonable action calculated to guarantee the rights stated herein.

Background and Rationale:

The current University Senate Rules allow the Appeals Board to change a grade to P or W. The Ombudsman receives an estimated four cases per year in which a good case can be made for changing the student's grade, but a P or W would damage the student. Such cases might include students in pre-professional or professional programs, graduate students, and other students who are required to have letter grades in certain courses.

Professor Charles Byers, Academic Ombudsman, requested that the Senate Council consider recommending a rules change to permit the Appeals Board to assign the appropriate letter grade when it has been proved that an academic evaluation was based on anything other than a good-faith judgment of the student. The Senate Council referred the matter to the newly formed ad hoc Committee on Student Affairs, chaired by Professor Michael Brooks.

The Committee on Student Affairs recommended to the Senate Council that the following two changes be made in the University Senate Rules, Section VI - 5.1.2.b.

1. That the Appeals Board be permitted to assign a letter grade where it can be proven that an alternative grade is appropriate and the appropriate letter grade can be determined. In such a case, the student should have that option. The committee reasoned that "denying this option penalizes the very good student who appeals a B but cannot receive an A which he/she earned, and indeed may penalize any student for appealing by arbitrarily denying them quality points to apply toward his or her grade point standing."
2. That the sentence be deleted that reads, "Under no circumstances shall a student's grade be lowered as a result of his appeal." The Committee offered three reasons in support of this recommendation: (a) careful investigation might cast the student's appeal and grade in a different light and, although unlikely, might dictate that the grade should be lowered; (b) it would discourage frivolous appeals; and (c) it would ensure that the student understands the serious nature of the appeals process.

The Senate Council recognizes the nearly exclusive right of the instructor, under ordinary circumstances, to assign grades and was reluctant to tamper with that right. At the same time, the Senate Council acknowledges the right of a student to be evaluated on nothing more or less than a good-faith judgment of performance and to receive the grade he or she has earned.

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US Agenda Item: VI - 5.1.2.b. Appeals Board
21 November 1986

Further the Senate Council is aware that the number of such cases (estimated to be about four per year) may seem insignificant; however, proven cases of injustice cannot be insignificant regardless of how few the number.

/cet
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