

Univ. Senate April 16, 1928 -4

The following recommendations from the College of Arts and Sciences was also approved:

1. A.B. or B.S. with Department Honors

The degree of A.B. or B.S. with Honors in the student's major subject will be conferred upon the student who in addition to having completed the requirements for the degree, shall have (1) attained high standing in his major subject; (2) passed with distinction a thorough comprehensive examination in his major subject; (3) been recommended for the said degree by the faculty of the department in which his major work was done.

This honor is to be recorded in the commencement program and on the student's diploma.

This action sets aside former requirements for the degree with honors."

The Senate approved the recommendation of the Graduate Committee that the honorary degree of Doctor of Laws be conferred on Sir Leslie McKenzie at the June convocation.

President McVey announced that Dean Anderson had obtained from Henry Ford a set of the old McGuffey Readers and had presented it to the University Library.

Maple House
Acting Secretary

MINUTES OF THE UNIVERSITY SENATE MAY 14, 1928

The University Senate met in the Little Theatre Monday, May 14, President McVey presiding.

The minutes of April 16 were read and approved.

The special committee on Examinations and Cheating made the following report, which was approved:

"Your Committee on Examinations and Cheating begs to report as follows: The Committee, after careful study of the situation, has undertaken to assemble the observations of the faculty and students regarding the extent and causes of cheating in the University, as a basis upon which to formulate recommendations. To this end questionnaires have been filled out by both faculty members and students, none of whom were required to sign their replies. Student questionnaires were so distributed as to get a representative cross section of opinion in the student body.

The results of 119 faculty replies and 363 student replies have been tabulated and studied by this Committee. Among the out-

standing facts developed from this investigation might be mentioned the following:

Of 119 instructors only 111 state that they proctor all examinations. Of this same group 115 consider it part of their university duty to attempt to prevent cheating by students. Four specifically state that they believe such supervision should not be a part of their university duty.

Twenty-nine teachers report having detected cheating in final examinations during the last three semesters. The number of cases detected by this group of twenty-nine instructors is 65. The disposition made of these cases may be tabulated as follows:-

- Applied University rule - 5
- Flunked and dropped - 13
- Reprimanded and reduced grade - 3
- Advised to leave school - 1
- Reported to Head of Department - 2
- Reported to Head of Department and failed - 1
- Reported to the Dean - 1
- Reported to the Registrar - 1
- Took case into account in grading - 1
- Failed - 5
- Interviewed - 4
- Made no report but cut grade - 1
- Gave low grade and good advise - 1
- Evidence insufficient to convict - 1
- Total - 40

The faculty's estimate of student honesty is shown by the following table. The estimates were made in reply to the question, - "In your opinion, what percent of the student body are rigorously honest on all college work?"

0	5	10	15	20	25	30	33	35	40	50	60	65	66	70	75	80	85	95	98	99
1	1	6	0	2	1	4	2	1	1	13	1	1	1	1	1	4	1	6	2	1

The question was not checked by forty-five. Total 119.

Thirty-two instructors report that they are unable to seat students in their classrooms on final examinations so that the student cannot read the examination paper of his neighbor.

From the student questionnaire it is ascertained that the student opinion of student honesty is shown by the following table. The question on the student questionnaire was the same as for the faculty.

0	1-5	6-10	15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90	95	100
10	12	28	9	16	29	9	7	7	3	42	3	32	3	6	48	20	11	29	2	0

The question was not checked by 29 students. Total 363.

To the question "How many students have indicated to you that they have cheated on any college work during the present school year?" 97 made no reply. Eighty-three said no student had so reported. Of the remaining 183 students they report from one to 100 students each as having indicated knowledge of cheating. The distribution is indicated by the

the following table, -

0	1	2	3	4	5	6	7	8	9	10	12	15	16	20	22	25	30	35	50
83	18	20	23	21	27	13	5	4	2	23	6	4	2	8	1	2	2	2	2

To the question, "During examinations at the close of last semester did you personally observe any cheating? Check the number of persons you saw engaged in this irregularity," they reported as follows,-

No report	0	1	2	3	4	5	More
31	99	50	41	46	1	27	68

It is important to note that 95 students out of 363, or about one third of the total number, each saw five or more students engaged in irregularity.

As to the methods used by students in cheating there seems to be no outstanding form. As to the reasons given for this practice, all reasons suggested were checked and no one reason seems to be outstanding.

In view of these facts it appears that cheating is widely prevalent in the University of Kentucky and that it is common knowledge among students that a variety of methods are employed.

The Committee has endeavored to discover from this report, the relation between the amount of cheating noticed by the students and the proctoring of examinations. Only eight out of 119 members of the faculty report that they do not proctor all examinations. On the other hand 140 students report having observed cheating in unproctored classes while only 152 students report having observed cheating in proctored classes. Moreover, 194 students report cheating in classes where the instructor was present but not watching the class.

While 164 students last semester report that they saw from one to five cases of cheating and 68 report that they saw more than five cases during the last final examination, members of the faculty report that they detected on final examinations during the last three semesters, only 65 cases. In these 65 cases of cheating in but five cases has the law of the University clearly been followed. It was not followed in 16 cases and in 18 others it may or may not have been followed. Apparently in the majority of cases the existing law has been ignored and the prescribed mild punishment of failure and notice to registrar and parents has not been carried out.

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In view of these facts, this Committee would respectfully submit the following recommendations:

FIRST: That the Senate declare that it is a personal responsibility of each instructor carefully to proctor all his examinations and tests. Such proctoring must not be assigned to students.

SECOND: That the Senate declare it to be the duty of each Dean to reprimand instructors in his college who fail carefully to proctor their classes or to follow the University rule regarding cheating.

THIRD: That the Registrar be instructed to inform every member of the teaching staff at the beginning of each semester and the summer term, of the existing rules regarding the proctoring of classes and the required procedure for handling cases of cheating.

FOURTH: That the Senate declare it to be the duty of the Registrar to keep a list of students dropped from a course with a grade of E because of cheating, this list to be available only upon the order of the President.

FIFTH: That the Registrar shall keep, also, a list of the Departments reporting cases of cheating, with the number of cases reported and dates, this list to be available to members of the University Senate upon request.

SIXTH: That the Registrar, at the time of informing the members of the faculty of the existing rules regarding cheating, shall include a statement of the total number of students dropped from courses with a grade of E because of cheating the previous semester. *and*

The following recommendations of the Committee on Courses of Study were approved:

Physics 112. Physical Manipulations. One credit.

1. Drop Animal Industry 1, Market Classes and Grades of Live-stock. Three credits.
Add Animal Industry 21, Market Classes and Grades of Live-stock. Two credits.
2. Drop Animal Industry 2, Farm Poultry Production. Three credits.
Add Animal Industry 22, Farm Poultry Production. Two credits.
3. Drop Animal Industry 5, Farm Dairying. Three credits.
Add Animal Industry 23, Elements of Dairying. Two credits.

The College of Agriculture recommends the following changes in the curriculum leading to the degree of Bachelor of Science in Agriculture:

In the freshman year, first semester, drop:

Animal Industry 1, three credits
Animal Industry 2, three credits

add:

Animal Industry 21, two credits
Animal Industry 22, two credits (first half of semester)
Animal Industry 23, two credits (last half of semester)

The College of Education recommends the following courses for your approval:

- Education 189. Research in Agricultural Education. Three credits.
- Education 304a. Research Problems in Educational Administration. Three credits.
- Education 304b. Research Problems in Educational Administration. Three credits.
- Education 200. Advanced Course in Philosophy of Education. Three credits.
- Education 205. Review of Current Educational Literature. Three credits.
- Education 130. The Teaching of Health in the Public Schools to be changed to Education 130a, two credits, and Education 130b, two credits.

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The Committee reported that they found duplication in proposed courses, Bacteriology 108, 109 and A. V. I. 124 and these were held for further study.

The Secretary reported that Dean Boyd and Dean Evans had failed to agree on the allocation of Psychology and the Law, which had been referred to them at the April meeting of the Senate, and that the course had been withdrawn.

The petition for the new organization, the Logostians, for advanced accounting students was approved.

On recommendation of Dean Evans, the Senate approved the following numbers for courses in the College of Law:

COLLEGE OF LAW

Alvin E. Evans, Ph. D., J. D., Dean.

The following courses in the College of Law are accepted as graduate work when taken by students majoring in Political Science, Economics, Sociology, Commerce or other fields in which such courses are recommended by the major professors:

105. AGENCY. Reedy's Cases. Nature of the relation, competency of parties, appointment, delegation of authority, liabilities of principal and of agent, ratification, undisclosed principal, termination. Two hours a week. Second semester. (Given in 1927-28 and in alternative years thereafter. Professor Moreland.

106a-106b. CIVIL PROCEDURE I and II. Sunderland's Cases. The Anglo-American legal system, common law forms of actions, common law pleading, modifications thereof by the codes and equity pleading. Three hours a week. First and second semesters. Professor Randall.

164. CONFLICT OF LAWS. Lorenzen's Cases. Domicile, jurisdiction of courts, procedure, contracts, property, movable and immovable, family law, divorce, inheritance, foreign administration, foreign judgments. Three hours. Second semester. Professor Black.

161a-161b. CONSTITUTIONAL LAW I and II. Hall's Cases. Division of powers, the dual system of government, scope of federal powers, taxation, money, banking, postal, military and treaty powers, regulation of commerce, the impairment of contracts, jurisdiction of federal courts, the police power, due process of law, equal protection of the law. Two hours. First and second semesters. Professor Black.

101a-101b. CONTRACTS I and II. Williston's Cases. Formation, parties, consideration, formalities, contracts for the benefit of third persons, assignment, joint obligations, conditions and implied conditions, impossibility. Three hours a week. Both semesters. Professor Evans.

107a-107b. CRIMINAL LAW AND PROCEDURE. Sayre's Cases. Nature of the crime problem, the theory of punishment, procedure, characteristics of particular crimes. Two hours a week. First and second semesters. Professor Moreland.

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121a-121b. EQUITY I and II. Cook's Cases. Volumes I and II. Methods of enforcing and legal effects of equitable decrees, relation of common law and equity, powers of courts of equity, inadequacy of remedy at law, interests protected, balancing the equities. Specific performance, affirmative and negative contracts, mutuality, consideration, conditions, marketable title, laches and the Statute of Limitations, partial performance with compensation, the Statute of Frauds, equitable conversion, equitable servitudes, misrepresentation, mistake, hardship, plaintiff's conduct as a defense. Three hours first semester, two hours second semester. Professor Moreland.

124a-124b. EVIDENCE I and II. Hinton's Cases. Court and jury, presumptions and burden of proof, admission and exclusion of evidence, competency, privileges, examination of witnesses, hearsay rule and its exceptions, dying declarations, admissions and confessions, statements against interest, regular and official entries, reputation, statements of pedigree, spontaneous statements, the opinion rule, circumstantial evidence, best evidence rule, parole evidence rule. Two hours. First and second semesters. Professor Randall.

123. NEGOTIABLE INSTRUMENTS. BILLS and NOTES. Smith and Moore's Cases. Formal requisites of negotiability, acceptance, delivery, endorsement, rights and duties of holder, liability of maker, acceptor, drawer and endorser. Three hours a week. Second semester. Professor Roberts.

125a-125b. PRACTICE COURT I and II. Selected cases. Presentation and argument of cases by members of the class before the trial court, proceedings in review before appellate court. One hour a week. First and second semesters. Professor Randall.

160a-160b. PRIVATE CORPORATIONS I and II. Richards' Cases (2d edition.) Characteristics, formation, powers and liabilities, rights of stockholders, directors, legislative control, dissolution, creditors. Two hours a week. First and second semesters. Professor Roberts.

104a. PROPERTY I (Personal Property.) Warren's Cases. The nature of possession, separation of the custody or use from the possession, bailments, finders, bona fide purchase, judicial sale, Statute of Limitations, accession, tortious confusion, gifts, sale and bailment, liens and pledges, conversions. Three hours a week. First semester, Professor Moreland.

104b. PROPERTY II. Introduction to Real Property. Warren's Cases. Estates, common law method of creating and conveying estates, Statute of Uses, rights incident to the ownership of land, fixtures, easements, waste, emblements, licenses and covenants running with the land. Three hours a week. Second Semester. Professor Roberts.

122. PROPERTY III. Titles and Conveyancing. Warren's Cases. Adverse possession, prescription, accretion, execution and delivery of deeds, boundaries, exception and reservation, easements by implication, covenants of title, estoppel, priorities. Three hours a week. First semester, Professor Roberts.

162. PROPERTY IV. Future Interests. Kale's Cases on Future Interests. Rights of entry, possibilities of reverter, reversions, remainders, executory limitations, limitations to classes, powers, rule against perpetuities and illegal restraints and conditions. Three hours a week. Second semester. (Not given in 1928-29). Professor Roberts.

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166. SALES. Williston's Cases. Subject matter of sale, executory and executed sales, bills of lading, fraud, liens and their enforcement, stoppage In transitu, inspection, warranty and remedies for breach of warranty, Statute of Frauds. Three hours a week. Second semester. Professor Moreland.

102a-102b. TORTS I and II. Ames and Smith's Cases (Pond's Edition). Assault and battery, false imprisonment, negligence and contributory negligence, unintended non-negligent interference, deceit, malicious prosecution, defamation, interference with privacy, interference with advantageous relations. Two hours a week. First and second semesters. Professor Black.

120a-120b. TRIAL PRACTICE I and II. Sunderland's Cases. The jurisdiction of courts, process and appearance, proceedings based on the record, incidents of jury trial, instructions, argument of counsel, verdicts, judgments, new trials, appellate practice, review. Two hours per week. First and second semesters. Professor Randall.

165. TRUSTS. Scott's Cases. The nature of a trust as compared with other relations, the creation and elements of a trust including charitable trusts, resulting and constructive trusts, remedies of the cestui to trust, the transfer by the cestui to trust, who are bound, liabilities of the trustee, investment of funds, termination of trusts. Four hours a week. Second semesters. Professor Evans.

163. WILLS AND THE ADMINISTRATION OF ESTATES. Warren's Cases. Testamentary capacity, the making, revocation, republication and revival of wills, lapsed and void devises and legacies, jurisdiction of court to grant letters testamentary and of administration, the interests, contracts and transfers of the personal representative, inventory, inheritance tax, payment of debts, legacies and distributive shares. Three hours a week. First semester. Professor Evans.

ELECTIVE SUBJECTS OPEN TO SECOND AND THIRD YEAR STUDENTS.

146. BANKRUPTCY. Holdbrook and Aigler's Cases. Relation of state and federal governments in matters of bankruptcy, the bankrupt, petitioning creditor, acts of bankruptcy, the trustee, provable claims, preferences and discharge. Two hours a week. Summer session. (Not given in 1928). Professor Roberts.

154. DAMAGES. Beale's Cases. Nature of damages, avoidable consequences, counsel fees, certainty, compensation, damages for nonpecuniary injuries, pain, inconvenience, mental suffering, aggravation and mitigation, value, interest, special rules in certain actions, damages for death, eminent domain. Two hours a week. First semester. (Given in 1927-28 and in alternative years thereafter). Professor Moreland.

148. DOMESTIC RELATIONS. McCurdy's Cases. Marriage and divorce, property interests of husband and wife, mutual obligations of the spouses, parent and child. Two hours a week. First semester. Professor Evans.

145. INSURANCE. Woodruff's Cases. Insurable interests, the contract, concealment, representations and warranties, implied conditions, waiver and estoppel construction. Two hours a week. Second semester. Professor Evans.

140. INTERNATIONAL LAW. Evans' Cases. Sources, international persons, jurisdiction and state sovereignty, diplomatic representatives, balligerency, prize law, blockade, neutrality. Two hours a week. Second semester. Professor McVey.

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143. MORTGAGES. Campbell's Cases. Elements of the mortgage, equitable mortgages, redemption, foreclosure, statutory redemption after sale, accounting, discharge, priorities, assignment and marshalling. Two hours a week. Second semester. (Not given in 1928-29). Professor Roberts.

149. MUNICIPAL CORPORATIONS. Tooke's Cases. Incorporation and existence, municipal officers, revenue, indebtedness, police power, zoning, liability for injuries received upon contracts implied in law and on implied contracts. Two hours. First semester. (Not offered in 1928-29). Professor Black.

152. OIL AND GAS. Kulp's Cases. Nature of landowner's right in oil and gas, interference, measure of damages, the oil and gas lease, drilling operations, storage and use of oil and gas, pipe line and transportation companies, taxation. Three hours a week. Summer session. Professor Roberts.

141. PARTNERSHIP. Crane and Magruder's Cases. Elements, formalities of organization, powers of partners, partnership obligations, duties, insolvency and bankruptcy, dissolution, accounting, estoppel. Two hours a week. Second semester. (Not offered in 1928-29). Professor Black.

150. PUBLIC UTILITIES. Robinson's Cases. Nature of public service, public employment and profession, withdrawal, duty to public, refusing service, commencement of service, management, liability for default, termination of service, regulation of charges, discrimination. Three hours a week. Second semester. Professor Roberts.

147. QUASI-CONTRACTS. Thurston's Cases. Nature of quasi-contract, benefits conferred by mistake, benefits conferred where further performance is impossible or contract is illegal or unenforceable, benefits conferred without contract or under compulsion. Two hours a week. Second semester. Professor Randall.

151. SURETYSHIP. Ames' Cases. Nature of suretyship, Statute of Frauds, surety's defenses, subrogation, indemnity, contribution and exoneration, creditor's right to surety's remedies. Two hours a week. First semester. (Not given in 1928-29). Professor Roberts.

153. TAXATION. Casebook to be selected. Jurisdiction, public purpose, classification, exemptions, taxation of governmental agencies, direct and indirect taxes. Three hours a week. First semester, Professor Black.

144. USE OF LAW BOOKS. Selected problems. Cooley's Brief Making and use of law books. How to find the law, use of digests, reports, text-books and encyclopedias. One hour a week. Second semester. Professor Moreland.

142. WORKMEN'S COMPENSATION. Selected Cases. The servant at common law, constitutionality of compensation acts, Kentucky and other compensation acts, abolishment of common law defenses, class legislation, police power, compulsory acts, "personal injury by accident", su nstroke, pre-existing diseases, traumatic injuries, occupational diseases, the locus of the accident, horseplay, an intensive study of the provisions of the Kentucky Act. Two hours a week. First semester. (Given in 1927-28 and in alternative years thereafter). Professor Moreland.

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The Senate adopted the following resolutions on the death of Judge Henry S. Barker and Mr. Frank McKee:

The Senate of the University of Kentucky, on this, its first regular meeting succeeding the death of Judge Henry Stites Barker, former member of its board of trustees and president of this institution respectively, covering a combined period of seventeen years, desires to place on permanent record expression of its appreciation of distinguished service rendered by this eminent jurist to the Commonwealth through his long and honorable connection with its chief institution of learning in his various capacities.

Judge Barker, whose lamentable death occurred April 23, 1928, entered the service of this institution as member of its board of trustees in 1900 and so continued to serve throughout a period of eleven years. This formative period of the institution's history was a period fraught with problems that called for constructive ability and vision, and by many has been referred to as a crucial one in the fundamental structure of what thereafter served as a basis of its present forward-looking higher educational program. Judge Barker entered so wholeheartedly and with such evidence of ability into the solution of those earlier duties that on the occasion of the retirement of the late President James K. Patterson, friends both of the University and of himself requested him to accept the offer of its presidency, to which request he at first demurred but later acceded.

Thereupon Judge Barker, whose long occupancy of the bench of the highest tribunal of the State, had distinguished him as a jurist, entered upon his new duties with enthusiasm and consecration and remained head of this institution until July 1917 when he retired and later returned to the bench as Judge of the common pleas branch of Jefferson circuit court.

The six years of President Barker's chief executiveship of the University were years of intense labor for its welfare and positive loyalty to the best interests of the young men and women of the State. They were years of anxiety and self-sacrifice in which he disclosed with unstinted prodigality, evidence of undeniable zeal for the educational well-being of the Commonwealth.

Among many virtues that distinguished President Barker as an executive and a man, his marked courtesy toward his comrades, his well-balanced sense of justice, his comprehensive appraisal of the vicissitudes that beset the pathway of youth and his abiding sympathy with it, marked him as a convincing and kindly leader and a lovable friend. Of the traits all who knew him, now bear willing testimony.

Framers of this brief and insufficient memorial to man and executive, make no pretense of attention to detail as to the many perplexing problems with which he was confronted as president of this University, preferring to leave these to other and better qualified chroniclers; nor do they presume to attempt to outline here how admirably his difficulties were met and obstacles overcome, but suffice it here to resolve that this body does feel deeply his loss to the bar, the bench and the constructive forces of the Commonwealth; and it prefers here rather to acknowledge them to attempt, in this brief memorial, to record them.

Be it resolved, therefore, that this expression of respect and affection for its former leader, friend and comrade, and its appreciation of his worth and service to the state be spread upon the minutes of this body, be sent to his bereaved family and to the press.

Respectfully submitted,

Committee of the University Senate.

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WHEREAS, The University of Kentucky has suffered a severe loss in the death of Mr. Frank M. McKee for more than twelve years a member of its Board of Trustees, therefore, be it

RESOLVED, That we, the members of the Senate of the University of Kentucky express our sense of loss and feeling of sorrow at the departure of so wise a counselor and so steadfast a friend of the University. That in the full realization of his worth to this institution, we recognize a measure of his worth as a man and realize the loss sustained by the community in which he lived. Therefore, be it further

RESOLVED, That we tender to his wife and family our sincere sympathy in their bereavement, and beg that in a measure we may be considered sharers in their sorrow.

Copies are to be sent to the respective families of Judge Barker and Mr. McKee.

The Commencement Committee raised the question whether prizes and honors should be included on the commencement program. The Senate voted that a special committee be appointed for collaborating prizes and honors, to be published in a supplement to the commencement program.

Ernest G. Gullis
Secretary.

MINUTES OF THE UNIVERSITY SENATE MAY 25, 1928

The University Senate met in the Little Theatre May 25, President McVey presiding.

The following candidates for the degrees indicated were recommended to the Board of Trustees:

COLLEGE OF ARTS AND SCIENCES

Candidates for the Degrees of Bachelor of Arts

Name	Major Subject	Address
Eldred E Adams	Arts-Law	Adams
Pauline Adams	Art	Detroit, Mich.
Georgia Elizabeth Alexander	Ancient Languages	Lexington
Virginia Baker	English	Dixon
May Margaret Bannon	English	Louisville
Anne Eleanor Beggs	Romance Languages	Allegheny, Pa.
Stanley Shaffer Black	Arts-Commerce	Barbourville
Mary Ruth Bland	History	Logan, W. Va.
Edyth Caroline Boughton	History	Lexington
Virginia Allen Bradley	Ancient Languages	Danville