

Minutes of the Special Called Meeting of the Executive Committee of the Board of Trustees of the University of Kentucky, Friday, October 23, 1981.

The Executive Committee of the Board of Trustees of the University of Kentucky met in a Special Called Meeting in the Board Room on the 18th floor of the Patterson Office Tower on the Lexington campus at 1 p.m. (Eastern Daylight Time) on Friday, October 23, 1981.

A. Meeting Opened and Acting Secretary Appointed

Mr. William B. Sturgill, Chairman, called the meeting to order at 1:20 p.m., and the invocation was pronounced by Mr. Clay. The Chairman, in the absence of the Secretary, Mrs. Betty Pace Clark, appointed Mr. Homer W. Ramsey as Acting Secretary of the Executive Committee of the Board of Trustees.

B. Roll Call

The following members of the Executive Committee answered the call of the roll: Mr. William B. Sturgill, Mr. William R. Black, Governor Edward T. Breathitt, Mr. Albert G. Clay, and Mr. Homer W. Ramsey. Members of the Board of Trustees attending the meeting were Mr. Britt Brockman, Governor Albert Benjamin Chandler, Mrs. Sally Hermansdorfer, Mr. W. Terry McBrayer, Professor William F. Wagner, and Professor Constance P. Wilson. The university administration was represented by President Otis A. Singletary; Vice Presidents Jack C. Blanton, Peter P. Bosomworth, Donald B. Clapp, Art Gallaher, Raymond R. Hornback, John T. Smith, Charles T. Wethington, and Robert G. Zumwinkle; Dr. Wimberly C. Royster, Dean of the Graduate School and Coordinator of Research; and Mr. John C. Darsie, General Counsel. Members of the various news media were also in attendance. The Secretary reported all members of the Executive Committee present and the Chairman declared the meeting officially open at 1:22 p.m.

The Chairman said that in keeping with Dr. Singletary's long-standing policy of wanting the Trustees fully advised of all developments at the University, President Singletary had asked him to call a special meeting. Mr. Sturgill added that the meeting would not be an action session but would be an information session on some actions that Dr. Singletary, as President, had taken. He then recognized President Singletary.

President Singletary thanked the members for their attendance and reiterated that the meeting was not an action session but an information session. He stated that three separate items concerning the Tobacco and Health Research Institute would be reviewed: (1) a personnel action, (2) a proposal to strengthen and improve the Institute, and (3) a status report by Acting Director Layten Davis on the current operation of the Institute.

President Singletary announced that he had relieved Dr. Gary Huber of his administrative duties as Director of the Tobacco and Health Research Institute. He then read a copy of a letter which he had delivered to Dr. Huber:

October 22, 1981

Dr. Gary L. Huber  
Department of Medicine  
MN-670 Medical Center  
Campus 00847

Dear Dr. Huber:

On April 7, 1981, you were temporarily reassigned from your administrative duties as Director of the Tobacco and Health Research Institute and placed on full-time duty in the College of Medicine, where you hold a tenured professorship. At that time, I asked Dr. Layten Davis to serve as Acting Director of the Institute, which he agreed to do. Since then, I have taken no further action with respect to the directorship of the Institute pending a resolution of the investigation conducted by the Commonwealth Attorney. I have now been informed by that official of his decision not to seek an indictment in the case.

Upon receipt of that information, I immediately asked Dr. Wimberly Royster, Dean of the Graduate School and Coordinator of Research, to give me his recommendation as to the directorship. I have now received a formal statement from Dean Royster recommending that you not be restored to the position of Director of the Institute. After careful consideration, I have decided to accept Dean Royster's recommendation. This letter is to formally notify you of your removal as Director of the Tobacco and Health Research Institute, effective immediately, and your permanent assignment to full-time service in the Department of Medicine. As indicated to you in an earlier conversation, this action is based upon our perception of what is in the best interests of the Institute and upon your own unsatisfactory administrative performance. This action in no way affects your position as a tenured professor in the College of Medicine.

I am given to understand that your counsel, Mr. Charles Calk, is in agreement with Mr. Darsie and that an appeal of this decision via the University's grievance process would, in the circumstances of your case, be of little utility. In any event you may, if you wish, appeal my decision directly to the Hearing Committee of the Board of Trustees of the University. Mr. Darsie informs me that he has furnished Mr. Calk with a copy of the document setting forth the

Committee's responsibilities. Please advise me within twenty (20) days of your intentions with respect to an appeal.

In accord with your statements to me, it is my understanding that you are prepared to make restitution as to amounts of money which are rightfully due the University. This will, I assume, occur as soon as details are negotiated by your attorney and representatives of the University's business and legal offices.

Sincerely,

/s/O. A. Singletary

Otis A. Singletary  
President

President Singletary reminded the Trustees that when he first addressed this matter three separate concerns about Dr. Huber's performance were identified: scientific judgment and standards, possible violations of law, and administrative competence. President Singletary stressed that the action to remove Dr. Huber as Director of the Institute was based not on Dr. Huber's role as a scientist nor on any of the alleged problems that were of a legal nature, but on the unsatisfactory administrative performance of Dr. Huber and on what he, President Singletary, was convinced is in the best interests of the Institute. He stated emphatically that the scientific reputation of Dr. Huber was not at issue. Further, with regard to possible violations of law, word was received from the Commonwealth Attorney, the civil authority with jurisdiction, of the decision not to proceed further with an investigation of possible violation of law, and the University accepts that decision of the Commonwealth Attorney. President Singletary added that with this personnel action involving both the solution of the problem of the administrative role and a statement of intent to make restitution for the dollars in question the University's interests have been served and no further action is indicated.

President Singletary next discussed the report of the ad hoc committee of scientists appointed to advise him on the scientific aspects of the research program. Because the committee's report was important in the formulation of his own thinking on this matter, President Singletary reviewed the report at some length, and he announced that copies of the report would be available to the news media. He stated that he agrees with much in the report.

President Singletary said he asked the committee for scientific evaluation in three areas: (1) the past accomplishments of the program, (2) the general thrust of the program as now envisioned, and (3) two specific allegations about Dr. Huber. The committee not only responded to the three requests, but also

provided unsolicited comments on problems of management and on some of the individuals involved. President Singletary then referred to a remark in the introductory comments of the report which stated that "...the intertwining of problems of management and personalities with the paramount issues of science frequently diverted the attention of the committee from its primary objective...". He said he wanted to make it clear that the committee was brought in to advise on scientific matters and he believes their expertise is essentially scientific rather than managerial.

In its introductory statement the committee recognized that the Institute "offers unique opportunities for furthering man's knowledge on this important and timely issue," that an excellent facility has been constructed, and that the Institute's proximity to the faculty and facilities of the University offers the potential for an excellent and needed scientific environment. The committee also noted the availability of approximately \$3.5 million per year as a solid funding base for the Institute.

The committee described the past accomplishments of the program as disappointing and undistinguished, though this general criticism is not to be interpreted to mean that all research has been of mediocre or poor quality. Factors contributing to the situation included lack of peer review, lack of continuity of funding, failure of the University to fulfill its responsibility of oversight, lack of communication, and lack of direction.

President Singletary said he found "very little to quarrel with" in this analysis, but he disagreed with the committee's contention that the University had failed to provide the Institute with managerial oversight. He stressed that the University of Kentucky has many research institutes and that it hires directors whose responsibilities are to run them properly. He said he does not accept any interpretation that the central administration of the University is, or should be, involved in the day-to-day activities of the institutes.

The committee expressed its endorsement of the research program proposed by Dr. Huber, but noted that the proposed program thrust is not exclusive and a number of equally acceptable alternatives exist. President Singletary emphasized that nothing in the committee's report suggests the thrust of the program is anything except scientifically valid and acceptable.

President Singletary then discussed two specific allegations which he had requested the committee to investigate: (1) irregularities in the exposure of experimental rats to smoke, and (2) data changes. The committee's report exonerated Dr. Huber of any wrongdoing in these two incidents, and suggested that the allegations were inappropriate and perhaps even malicious. President Singletary stated that the University administration did not believe that there was anything to the allegations but did not feel they could be ignored. He further stated that upon the

advice of Legal Counsel, John Darsie, the investigation of these two allegations was made a part of the charge to the committee.

The ad hoc committee of scientists recommended the following: (1) that the Tobacco and Health Research Institute be maintained and supported, (2) that a campaign be undertaken to provide the public with a better understanding of the Institute's missions and goals, (3) that a mechanism of external evaluation be established to assess the scientific research supported by the Institute, (4) that continued support from the University include the appointment of tenure track faculty and the provision of a middle-management administrative position to help with the day-to-day operation of the Institute, and (5) that the Institute's focus remain on a narrow and clearly defined path, similar to that initiated by Dr. Huber.

President Singletary said he is in agreement with all of the committee's recommendations except the one dealing with appointment of tenure track faculty which he does not feel the University can afford to fund.

The committee concluded its report by stating that the Tobacco and Health Research Institute is a valuable asset for the University, and that it is to the advantage of both the University and the Institute for close ties to continue.

President Singletary then turned to his own analysis of the situation. He emphasized that he believes the Tobacco and Health Research Institute is a solid, substantial program with a good foundation. He said that the University needs to continue its support for the Institute and that he would like for it to become a center of excellence. He then listed five administrative actions which are being taken in order to strengthen and improve the Institute:

1. The conduct of a search for a Director of the Institute.
2. The creation of a scientific advisory board to provide oversight and set policies under which the Institute will operate.
3. The strengthening of the mechanism for outside peer review of all projects (already implemented).
4. The establishment of the position of Associate Director for Administration (already implemented).
5. The inauguration of a program of public awareness for the Institute.

President Singletary called on Dr. Layten Davis for a brief status report. Dr. Davis, who has served as Acting Director of the Institute since April, reported on the daily operation of the Institute, on present administrative procedures, and on the status of the research program.

President Singletary recognized Mr. Joe Burch, Acting Associate Director for Administration at the Institute, and praised both Dr. Davis and Mr. Burch for the leadership they are rendering to the Institute.

The Chairman thanked President Singletary for his report on the Tobacco and Health Research Institute. He also thanked the Board members for their attendance.

There being no further business to come before the meeting, the Chairman declared the meeting officially adjourned at 2:15 p.m.

Respectfully submitted,

Homer W. Ramsey  
Acting Secretary  
Executive Committee  
Board of Trustees