

Belinda

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

25 February 1988

TO: Members, University Senate

The University Senate will meet in regular session on Monday, March 7, 1988 at 3:00 p.m. in ROOM 115 of the Nursing Building (CON/HSLC).

AGENDA:

1. Minutes. December 7, 1987 and January 18, 1988
2. Resolutions.
3. Announcements
4. Remarks by the Honorable Michael Moloney, Chairman of the Senate Appropriations and Revenue Committee.
5. ACTION ITEMS:
 - a. Proposed Changes in University Senate Rules, Section VI - 3.0 and ff. Academic Offenses and Procedures and Section VI 4.0 and ff. Disposition of Cases of Academic Offenses. (Circulated under date of 24 February 1988).
 - b. Proposed addition to University Senate Rules, Section III--Course Numbering Systems and Curriculum Procedures, 1.3, "R" (REMEDIAL) Courses. (Circulated under date of 23 February 1988.)
 - c. Proposed change in University Senate Rules, Section IV - 2.2.5, Admission to the Honors Program. (Circulated under date of 25 February 1988.)

Note: If you are unable to attend this meeting, please contact Ms. Martha Sutton (7-7155) in advance. Thank you.

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MINUTES OF THE UNIVERSITY SENATE, MARCH 7, 1988

The University Senate met in regular session at 3:00 p.m., Monday, March 7, 1988, in Room 115 of the College of Nursing/Health Sciences Building.

William E. Lyons, Chairman of the Senate Council, presided.

Members absent were: John J. Allen, David Allgood*, Charles T. Ambrose*, Richard Angelo, Michael A. Baer, Lisa Barclay*, Charles E. Barnhart, Susan Bean*, Dibaker Bhattacharyya, Frank J. Bickel*, David Bingham*, Glenn C. Blomquist*, Jeffery A. Born, Glen Buckner, Ben Carr, Edward A. Carter, Michael Cibull, Harry Clarke, Richard R. Clayton, Donald Coleman, Emmett Costich, Frederick Danner*, Joe T. Davis*, Leo S. Demski, Richard C. Domek, Jr.*, J. Burton Douglass*, Nancy S. Dye, Paul M. Eakin, Charles Ellinger, James Freeman, Richard W. Furst, Art Gallaher, Jr.*, Jeff Goodyear, Ann Griesser*, Andrew Grimes, John R. Groves, Ottfried J. Hahn, Zafar Hasan*, Freddie Hermann, Ronald Hoover, Raymond R. Hornback, Jeffrey Hughes, Thomas Ingram*, Mehran Jahed*, Richard I. Kermode*, Lisa King, Jim Koegel, James M. Kuder*, John Kuegel, Robert G. Lawson, Gerald Lemons*, Arthur Lieber*, William C. Lubawy, Martin J. McMahon, Robert Murphy, David A. Nash*, Michael T. Nietzel, Arthur J. Nonneman, Jose Oubrerie*, Rosanne Palermo, Alan Perreiah*, Antoinette P. Powell*, Deborah E. Powell*, Mary Tripp Reed, Thomas C. Robinson, Jo Ann Rogers, John M. Rogers, David P. Roselle, Edgar L. Sagan, Karyll N. Shaw, Stephen Stigers, Andrea Suffill, Marie Vittetoe*, Scott Ward, Cyndi Weaver, Charles T. Wethington, David White*, Carolyn A. Williams*, Gene Williams, Jason Williams, Angene Wilson, W. Douglas Wilson*, and Peter Winograd.

The Chair made the following remarks and announcements:

"Let me call your attention to something that I hope everyone received in the mail. It is the first issue of the SIS Update. I think it is going to be useful and helpful to follow that project. It is a rather elaborate system and this Newsletter will be a means that will be used to keep you informed. In addition, I would like to point out that the Senate Council is going to meet with Randy Dahl this Wednesday afternoon and talk about some of the academic implications of the various policies that will have to be put in place to make this system work. I want everyone to be aware of that and if anyone has any concerns about the academic issues as you see this thing begin to unfold, please don't hesitate to contact the office so that we can attend to them before they are etched in stone.

I hope most of you have received the initial memo from President Roselle regarding the Honors Day which is to be held on April 14. This is going to be a celebration of achievement on this campus for faculty, staff and students. I would like to urge all of you to make plans to participate in this

*Absence explained.

particular event. It will be held on the afternoon of April 14 and it will involve an academic procession. Plans are being made for accommodating those of you who need to get caps and gowns. It is going to be an attempt to recognize all faculty and staff and students who have won University-wide awards, and I think it behooves those of us in the Senate to be there and to urge our colleagues to be there to recognize those members of the University family who have succeeded in winning these awards.

The last Senate meeting for this academic year will be on April 11, the second Monday in April. (NOTE: Date has been changed to April 25.) There will be several things on the agenda for that meeting that ought to be of interest to you. First of all, it will be a meeting where we will have the annual report from the faculty trustees. We will also have a report from the ad hoc Committee on Course Changes and Program Changes. The ad hoc committee is trying to make some sense out of this process and add some sanity to the process, and we will be looking at that. In addition to those items there is a possibility that we will have to bring before you another college reorganization proposal. This just arrived on my desk today. We hope that we can get that to you for the April meeting.

I would like to remind all the people who chaired various Senate Standing Committees that I will be sending a memo shortly requesting your annual report. I would hope that we can get the reports summarizing the works of the various committees this year in time so that the Senate Council can have them for this summer's deliberations aimed at planning what issues need to be addressed for the coming academic year.

You will be hearing more of the details about the Honors Day Celebration in the very near future."

The Minutes of the meetings of December 7, 1987, and January 18, 1988, were approved as circulated.

The Chair said it was his pleasure to introduce someone that everyone had been reading a lot about in the newspaper, and he felt the speaker would be giving a message that everyone was interested in particularly given the reports that have come out in the newspaper for the past several days. He said that perhaps there are only a handful of people in Frankfort who really understand the budget in Kentucky and all the mysteries that go with the budgetary process. The Chair introduced one of the people who understands the budget process for some comments and asked the Senate to welcome the Honorable Michael Moloney, Chairman of the Senate Appropriations and Revenue Committee. The Senators gave Senator Moloney a round of applause.

Senator Michael Moloney spoke to the Senate as follows:

"I find it a little difficult to actually say 'with pleasure' that I was asked here today given what we have to

talk about and what we are looking at. Let me try to place a couple of things in perspective as to where we are with respect to the budget. I think everyone in this room is cognizant of what the proposal was that came from the Executive. They talk about a 1.1 percent increase in appropriations for higher education in the first year of the biennium and 3.9 percent the second year. When you get down to it, there is no increase in appropriations. That is playing with figures. The largest single figure in that whole thing is state contribution to the Kentucky State Teachers Retirement System that has to be paid for the first time this year to Morehead, Murray, Western, Eastern and Kentucky State. Their faculty members are members of that system rather than TIAA/CREF. Those payments constitute about .8 percent of that 1.1 percent increase in the first year. Those monies stay at the University just as long as it takes to electronically transfer them through the University and put them back into the Teachers Retirement System. I might also add that what the Governor referred to as the overmatch and what I call the payback is not included in that. The appropriations to the University of Kentucky in the first year of the biennium on its \$226 million general fund base total of \$800 thousand of which every penny is earmarked as far as operating dollars are concerned. You have the Japanese Saturday School and some other programs that have specific earmarked appropriations. The University's appropriation is zero.

I am sure you read in the paper a couple of weeks ago a proposal that I put forward. The Governor was kind enough to suggest, and I'll use his words, 'Since I had been wallering around in this mess for several years' that I should come forward with a plan. I did. To tell you the truth he has not commented on the plan. That's one of the nicest things he has said about me this time. What I proposed to do was the unheard of--raise taxes and spend that money. I was proposing to raise \$440 million the first year of the biennium and the second year about \$460 million for an average of \$450, and I was going to spend \$236 million in the first year and \$339 million the second year for elementary, secondary and higher education. That plan would have proposed to bring the formula funding up to 92 percent the first year and 96 percent the second year rather than what we are looking at: the Governor's proposal is dropping back to 82.5 percent the first year of 1988-90 biennium and 81.5 percent the second year.

The House A & R Committee subcommittee chairs met over the weekend to analyze the reports of the various subcommittees of the House A & R Committee. The House Committee operates in subcommittees. Their division is three members for the Appropriations and Revenue Committee plus advisory members from committees of standing jurisdiction on the subject matter and they make advisory recommendations to the full committee which then acts upon the recommendations.

The subcommittee chairs all met this weekend and adopted a plan which calls for putting about 11 million additional dollars in the first year of the biennium and a little over nine million to nine and one-half million in the second year of the biennium into higher education. I haven't seen it, but I've had it described to me by our staff and as it was described to me, it gives me some cause for concern. For example, they made one gut decision, and I can understand it, but at the same time I think it may be a little shortsighted. It's a whole lot like the Governor's budget. There will be no bricks and mortar. I can understand that when you have money problems there will be a day when there will be no bricks and mortar. I don't know that the life safety systems at our universities really qualify as bricks and mortar. I think it might be a little bit beyond that. They have cut out the appropriations for life safety improvements. They have cut out the appropriations for the Business and Economics Building, and they have cut out the second year of the biennium debt service for a new facility at Ashland Community College. They have cut out specific appropriations for the Japanese Saturday School and the engineering enhancement of a million dollars, half each to University of Louisville and University of Kentucky to be matched by private funds. In its place they have taken the eleven million dollars and divided it about equally between the formula and the salary incentive fund. I am not going to get personal on that base, but when one takes money and divides it half way between the formula and half way between the salary incentive fund, what that does is to allow the institutions high in formula funding to get funds they would not otherwise have gotten if it had all gone into formula. If you want to know what those institutions are, look at the makeup of the budget and the new subcommittee and you will understand where they are located.

In the second year basically the same thing is done again. The money that the House subcommittee is recommending, is additional funding in higher education, and I might add that this money came from basically three sources. The first source was Governor Wilkinson's new educational initiatives in elementary and secondary education, his benchmark schools and his, I call it "son-of-power equalization," his disadvantaged districts program. There is a total of ten million dollars the first year and thirteen the second year. They also took some additional money from the economic development program from the Governor and some from the energy program and put substantial money back into the Teachers Retirement System--about half of that 38 million dollars back into the Teachers' Retirement--and the balance they put in this area of funding for higher education at least to the extent recommended.

The Senate Committee has begun its work, and when Dr. Jewell mentioned to me earlier that he saw where the House was working on weekends, I said that we sometimes work on weekends too, but we don't always have to call a press conference after

the meeting. They work a little differently. They have twenty-three members and we have nine members so we obviously work differently. We have been working over weekends ourselves, primarily over the telephone in conferences. I think there is strong sentiment of the Senate Committee for putting additional money in higher education. That will be done, in my judgment, and will all go into the formula. It will not be kicked into salary incentives. I think if we are going to do anything in higher education its got to be spread across the system and we can't pick and choose among institutions.

Life safety system appropriation, which was number one with all of the institutions, has flat got to be funded. Whether we have too many institutions, whether we are doing things at some institutions we shouldn't be doing, is not really the issue. The issue is whether or not we are going to have facilities that we can use. I don't know if any of you have been to Morehead and seen the situation they have. It is unbelievable. Their entire electrical system is being spread around campus in the same tunnel that their steam heat system is being put around campus. It doesn't take a whole lot to imagine what is going to happen if they have a leak. When they do, they shut the electric down, which shuts everything else down until the leak is repaired. We have to do something about that just as we have to do something to some of the systems here at the university and elsewhere throughout the university system.

I can't stand here and tell you that we are going to have a tax increase. Governor Wilkinson has flat said we are not going to have one. It doesn't take a whole lot of encouragement on the part of a lot of the members of the General Assembly to vote against taxes and when the Governor encourages you to do it, that's all you need. It's just that simple. I will stand here and tell you that before the Legislature convenes again in 1990, the Governor will be begging for a tax proposal. Whether that will come in late 1988 before the succession amendment is voted on or after the succession amendment is voted on, I don't know. If I had to guess it will be shortly after the succession amendment is voted on and in my judgment defeated. We will have a session in 1989 or 1990 in which the Governor will be making a tax proposal. I can also stand here and tell you that although it won't be called that, it will resemble a whole lot what I proposed about two weeks ago. It is going to involve a combination, in my judgment, an income tax restructuring and reform and sales tax increase. I don't know what the specifics are going to be, and I'll read about it about the same time you all do. At that time I think there will be support. The support would have been here now had it not been for the Governor because there are a lot of people who will vote for it one time but don't want to vote for it twice which would be required to override the Governor's veto.

What I can report to you is that there will be additional funding in higher education, but not enough, not nearly enough. I think if we were able to do what I had proposed that would at least give the signal, not only to our faculty within the state, but also outside the state that Kentucky is serious about higher education and indeed all of education and we could continue to recruit the people of quality and keep those we have now. We are going to be sending the opposite signal, in my judgment, and that's the problem I foresee for higher education in this biennium, and I hope it ends with this biennium. We will be trying to get that message across. I know it certainly got across in the Fayette County delegation. I would commend the faculty at the University for getting that point across. Ironically, I think if the issue of a tax increase came up for a vote in the House and in the Senate with it understood that the money was going no where other than for education, we would not have unanimous support for that tax increase from the Fayette County Legislative delegation. In the House I believe you would have four to five votes and in the Senate you would have two or three.

That is the situation where we are right now. I'd be glad to try to respond to any specific questions that you all have concerning the budget or any other legislative issue."

Professor Jesse Weil (Physics and Astronomy) wanted to know if Senator Moloney felt that it was worthwhile for faculty to continue to write their legislative representatives. Senator Moloney said absolutely because if the faculty didn't the legislators would think they didn't care. He said he met with the group from leadership Lexington which the Chamber of Commerce sponsored. One of the members of the delegation said he had not heard from anyone saying they support increased funding for higher education or that they are concerned about the budget. Senator Moloney saw that same person about five days later and he took back what he said. He had gotten about 150 letters in about four days. He said it was important that the faculty continue to let members of the General Assembly know how they feel and why they feel that way.

Professor Mary Sue Coleman (Biochemistry) said there was a Bill outstanding about undeserved competition of University services that are provided by private contract. She said that had some bad implications. Senator Moloney said if it passed in the House, it would die in the Senate State Government Committee or the Senate State Appropriations and Revenue Committee, whichever one it got to first.

Professor Donald Leigh (Engineering) asked about the Bill on the Coldstream farm. Senator Moloney said that would die in the Senate Appropriations and Revenue Committee after being held in State Governmental or Agriculture Natural Resources for the maximum period of time and then it will kick out and go to A & R and die there. He said he would get the original copy and bring it back to the Dean of the College of Agriculture.

Professor Malcolm Jewell (Political Science) said that Senator Moloney's Bill on income tax devised a more progressive tax and removed some of the lower income people from paying taxes. He said it was more a reform and

sooner or later, if not in this session, is it reasonable to think that kind of tax can be sold more effectively because the people in the state most likely to be opposed to a tax increase completely are lower income people. He wanted to know if that was a good tactic to be stressed. Senator Moloney felt it could be. He said that Representative Clark's Bill is primarily a conformity plus elimination of the federal income tax deduction on the state return. It would take about 200,000 people off the tax rolls, reducing taxes for about one-half of the remaining 1,250,000 tax payers, and raises taxes for the other one-half. Senator Moloney said his own proposal conforms but also gets political. His proposal exempts from Kentucky income tax income from any Kentucky retirement system. The bottom line on his was to start the taxable income of people at the federal taxable income. He said that would raise \$241 million dollars the first year. He said what it really does is eliminate the necessity for filing income tax returns for 211,000 tax filers. It reduces taxes for 842,000 people and raises taxes for 382,000.

Professor Hans Gesund (Engineering) wanted to know if the University's TIAA/CREF retirement would be exempt from the state income tax. Senator Moloney said that would not be exempt. Professor Gesund felt that was unfair for the University personnel to pay taxes on their retirement when others did not. Senator Moloney said the Bill was subject to adjustment.

Professor James Applegate (Communications) said that the Moloney proposal was clearly the most comprehensive and probably the most radical, but Clark's proposal might be seen as some sort of compromise or middle of the road thing and therefore would become a political alternative. Professor Applegate wanted to know if that would happen. Senator Moloney said there was no chance of that happening in this session. In his judgment the thing that was political was the one percent increase in sales tax. He said there are a lot of people in the legislature that say they don't want to touch income tax but want to hit the sales tax on the existing items.

Professor John Just (Biological Sciences) wanted to know if the faculty contacted their legislators would they be preaching to the converted. His concern was that if the University faculty started writing the Fayette county legislators, it would probably not be the group making the most proposed legislative changes. Senator Moloney's response was, "If the University faculty can convince the Fayette County legislators of the necessity of producing more money and the University of Louisville faculty get Jefferson County, get the folks in northern Kentucky, western Kentucky and on down the line, it would be the majority of the legislators." He said it was important to have a solid block coming from Fayette County in support of the legislation.

Professor Mary Sue Coleman wanted to know if it was a lost cause with the Governor in terms of trying to educate him or to convince him that there are an awful lot of people who vote and who care about education. Senator Moloney said the first time he knew that the Governor showed attention about the impact of the budget on higher education was when he was told in a meeting with the presidents of the universities, "Do you understand how rapidly your popularity is dropping in our area?" The Governor understood that and showed some concern.

Chairman Lyons asked Senator Moloney to comment on the current status of the Saturday school. His response was that the Saturday school was a specific appropriation included within the \$800 thousand in the first year and a comparable amount in the second year to pay for the Japanese Saturday School at the University. He said the Saturday school is in the Executive budget and that money is part of UK's "growth". It seemed to him the state had the same obligation there as it did to provide training funds to Toyota. He feels the Governor is now knowledgeable about the universities' budgets.

Professor Loys Mather (Agriculture) wanted to know where the money was coming from to put in the formula. Senator Moloney said in conversations with members of the Senate he felt there was sentiment to put back all of the money in teacher retirement. He said when anything was done in higher education it would be impossible to put it all back. Therefore, some of the money could be put back and some kept out, strip down the appropriations to economic development, commerce cabinet, to finance new bond issues, to take out tourism. He said the Governor said that we would not have improved economy in the state unless there is economic development. Senator Moloney's primary emphasis is to put the money back into education and not economic development.

Professor James Applegate thanked Senator Moloney for being a model of some sane voice that the faculty could listen to and if Senator Moloney needed some help in his re-election campaign to call a faculty member and if he wouldn't help, let the Senate know the faculty member's name. The Senate gave Senator Moloney a round of applause.

Senator Moloney said he met with Professor Lyons and other members of the Senate and one of the points made at that meeting was that it wasn't that many years ago that legislation had to be passed in Frankfort to take the salary cap off of faculty salaries, because until that time faculty salaries were under the state personnel board and the maximum salary for anybody was \$5,000. The Governor was paid \$7200. He said his father introduced that piece of legislation. He felt some of his commitment to the University came from that direction. He said he did appreciate Professor Applegate's comments and sometime between now and May 24 he hoped he would get to see all who live in his district because he would be walking the streets. Again the Senate gave the Honorable Michael Moloney a round of applause. He said if anyone needed anything not to hesitate to call him. His office number in Lexington is 255-7946 and the toll free number in Frankfort is 1-800-248-2947. He thanked the Senate for letting him visit.

Chairman Lyons recognized Professor Loys Mather, Chair-elect of the Senate Council. Professor Mather, on behalf of the Senate Council, moved approval of the proposed changes in University Senate Rules, Section VI - 3.0 and ff. Academic Offenses and Procedures and Section VI 4.0 and ff. Disposition of Cases of Academic Offenses. This proposal was circulated to members of the Senate under date of 24 February 1988.

The Chair noted that the proposal was a recommendation from the Senate Council and did not require a second. He said that Professor Malcolm Jewell who chairs the Rules Committee would be able to help if anyone had any questions. He added that the proposal had been returned to committee and some changes had been made.

The floor was opened for questions and discussion. Professor Donald Leigh moved an amendment in Section 4.0 Disposition of Cases of Academic Offenses. The amendment would read:

"....in person (including a witness and/or a signed receipt) by certified mail (to the local address as contained in the Registrar's Office.)"

He felt by saying "the local address as contained in the Registrar's Office" would clarify the address and some of the faculty would need to understand that "in person" would have to include more than just the faculty member's word with the student against the student's word to have a witness and/or a signed receipt. The amendment was seconded.

Dean Wimberly Royster (Graduate School) wanted to know what would be done if the Registrar's Office address is wrong. Professor Leigh said it was the student's responsibility to have the correct address, and the address in the Registrar's Office was the official address. The Chair said the issue was whether or not the university should be sending the certified letters to the home address. Professor William Fortune (Law) said that he would rather leave the proposal as it is. He felt anything that was done to make the rule more specific which narrows it down, creates a possibility of a case that does not fit, and it seemed to him the whole argument was to get some kind of notice to the student. He did not feel it was a good idea to make the proposal so specific that there would be situations where students could not be effectively notified. Chairman Lyons said there were two ways of notifying the students and that was by certified mail or in person. Professor Jesse Weil asked if having a witness or returned receipt be grounds enough. Professor Fortune felt it was unfortunate that the University would have to be so legalistic, but the students are bringing attorneys with them to the hearings. Professor Robert Spedding (Dentistry) felt that one of the attractive features of the amendment was that the local address is defined. He said the students tend to move around and not notify the University, but the University still carries the responsibility of knowing where the students are.

Professor Jesse Weil moved an amendment to the amendment to inform the student in person (preferably in the presence of a witness or a signed receipt from the student). Professor Leigh accepted the amendment. Professor John Rea (French) pointed out that certified mail delivery could be anyone that happened to answer the door. Professor Leigh felt that was a good point about certified mail. Chairman Lyons said that the University's Legal Office traditionally asks that the person to whom the letter was sent to sign. He said that was the way it was done at the University, and he felt that situation was covered.

The amendment with modifications by Jesse Weil passed and reads as follows:

"....in person (preferably in the presence of a witness or a signed receipt from the student) by certified mail (to the local address as contained in the Registrar's Office.)"

Professor Hans Gesund asked what the "fact" meant in the sentence, "Information regarding the academic offense other than the fact and term" He wanted to insert the phrase "that an offense was committed" before the word "fact" and "the" be inserted before "term of any mandatory restriction....." Professor Rea seconded the motion to amend. Professor Weil wanted to know if that was any violation to the privacy act.

Dr. Randall Dahl (University Registrar) said the language where it stated "the fact and term of any mandatory restriction" applies exclusively to the mandatory restriction which is in essence a suspension. The notation on a transcript would be "suspension and duration" and would not indicate suspension for an academic offense of a particular type. It would simply note the fact of suspension and the duration of suspension and that is what the language says and not the language Professor Gesund is suggesting. Professor Weil's question is if the Senate accepts Professor Gesund's amendment and it says "suspended for academic offense for six months or whatever" would that be in violation of federal regulations. University Registrar Randall Dahl said the record would not say "suspended for academic offense" but merely say "suspended." Dr. Dahl's understanding was that it would be permissible to say that it was a suspension other than academic, but that is not the normal practice of institutions.

Professor Gesund felt that the wording as is hurts the student that is simply a poor student and gets suspended for low grades. Another student might get suspended for having committed an academic offense. He felt that was unfair to the student who just cannot "cut the mustard" in calculus. He felt his amendment pointed a finger at those who had committed an academic offense but at the same time it shows the innocence of those who have not. In fairness he felt no doubt should be left for prospective employers or other schools. Professor Weil said that the transcript would speak for itself.

There was no further discussion on the amendment which failed in a voice vote.

Professor Gesund proposed an amendment in 4.10a to omit everything after the word "transcripts" in the last sentence, and to add a sentence to the effect that exceptions may be made for students less than eighteen when they transgress, so if a student who is seventeen and does something stupidly they would not be part of the rule. He said that an adult should not be able to get away with having had a serious transgression and it not show up on the transcript after three years. The motion died for lack of a second.

As a point of information Professor Constance Wood (Statistics) asked for an explanation of 4.10b, the statement "shall appear on all transcripts for a period of three years from the student's readmission to the University. She wanted to know if the implication was that the statement would not appear on the transcript until the student was readmitted. University Registrar Randall Dahl said it applied from the point of suspension until three years after the fact of readmission and if they are not readmitted, it is, in essence, permanent.

The motion as amended passed unanimously and reads as follows:

PROPOSED REVISIONS IN SECTION VI.3. ACADEMIC OFFENSES AND PROCEDURES
AND VI.4. DISPOSITION OF CASES OF ACADEMIC OFFENSES

These sections were rewritten a couple of years ago. There are a number of ambiguities and contradictions that it is necessary to clear up. In addition, a number of changes in the procedures have been recommended.

3.0 Academic Offenses and Procedures

Students shall not plagiarize or cheat.

BACKGROUND: The existing rules do not explicitly prohibit cheating, and it seems that this section should begin with such a statement.

4.0 Disposition of Cases of Academic Offenses

4.1 2d par., last sentence

If the student is not reasonably available or fails to attend the meeting, the instructor, with the approval of the department chairman, shall inform the student in person (preferably in the presence of a witness or a signed receipt from the student) or by certified mail (to the local address as contained in the Registrar's Office) [or other means of delivery with receipt acknowledged in writing] of the evidence, charges, and possible penalties.

BACKGROUND: This is a simplification of the change earlier proposed, and is designed to avoid delays in the process. The Ombudsman thinks it is sufficiently detailed. Similar changes are made in other sections.

4.2 Responsibility of the Dean of the College where the offense occurred or of the Dean of the Graduate School, as appropriate

4.2.1 Cases initiated by a Department

1st par.

[After reviewing the file forwarded by the department chairman, the dean or the dean's designee shall, within 7 working days, forward the file to the appropriate Chancellor. If the dean disagrees with the sanction recommended by the chairman, the dean shall forward only his or her own recommendation to the Chancellor.]

After reviewing the file or report from the department chairman, the Dean or the Dean's designee shall make his or her own decision about the appropriate sanction and take one or both of the actions specified in 4.2.3.

2d and 3d par.
Unchanged

4th par. Omit

[After reviewing the file or report, the dean may then take one or more of the following actions listed under a or b (see below).]

4.2.2 Cases initiated by the Dean

5th par. Unchanged, except for last two lines:

in person or by certified mail [or other means of delivery with receipt acknowledged in writing] Within 7 days of charging the student as set out above, the Dean or the Dean's designee [may take] shall take [one or more of the following actions:] one or both of the actions listed in section 4.2.3.

6th par.
4.2.3

After following the procedures outlined in Section 4.2.1 or 4.2.2, the Dean or the Dean's designee shall take one or both of the following actions:

- a. impose the minimum penalty of E for the course in which the offense occurred;
- b. forward the file to the appropriate chancellor recommending a sanction of suspension, dismissal, or expulsion.

7th par.

Notice of such action [taken under a or b above] shall immediately be sent by the Dean or the Dean's designee to the student in person or by certified mail [or other means of delivery with receipt acknowledged in writing] with copies to the instructor, and the department where the offense occurred, dean of the student's college, Registrar and Academic Ombudsman. If the student is enrolled in a college in a different sector, notice of action [should] shall also be sent to the appropriate chancellor.

BACKGROUND: The revision of this entire section is designed to eliminate confusion and contradiction of existing provisions. The use of three subsections is part of the effort at clarification. The first subsection refers to complaints coming from the department; the second concerns those initiated by the Dean; the third specifies the Dean's options for penalties in either case. The new language makes it clear that the Dean has final authority to determine the sanction of an E in a course, and if this is the only sanction imposed, the file need not go to the Chancellor. It also makes it clear that the Dean can raise or lower the penalty recommended by the department chairman (from suspension to E or from E to suspension). In the present draft, the term "may" or "should" as been chaged to "shall" in several places to clarify these steps are required.

4.4 Rights of the Student
(1st par., 2d sentence)

The appeal must be filed in writing with the Academic Ombudsman within [15] 10 working days after the [student's notification] date that the student receives notification of the sanction.

Background: The change is to make this compatible with Sec. 4.3, which mentions 10 days; also it clarifies "notification" notification. I think we have to clarify this.

4.7. Responsibility of the University Appeals Board

[Omit pars. 6 and 7, the last two in this section.]

BACKGROUND: These two paragraphs are confusing and contradict other paragraphs. They apparently should have been dropped when the new rules were adopted. These provide that the Appeals Board shall make its recommendation on a sanction to the President, but under the new rule this recommendation is made to the Chancellor. Furthermore it refers to the possibility of a grade of W in the course, a provision that has been dropped.

4.9

[This] Information regarding the academic offense other than the fact and term of any mandatory restriction on the student's eligibility for continued enrollment may be released only with the written consent of the student.

4.10

a. Suspension. Add at end: The penalty of suspension shall normally apply to semesters (or other academic terms as appropriate) following imposition of the penalty by the Chancellor. With the consent of the student and the Dean of the College in which the offense occurred, the Chancellor may fix an earlier date for suspension. In any case in which the suspension is imposed by the last day to drop a course with no record, it shall apply to that semester. In case of any student who is graduating, the suspension shall apply to the final semester before scheduled graduation. Suspension for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts for a period of three years beyond the conclusion of the suspension.

b. Dismissal. Add at end: Dismissal for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts for a period of three years from the student's readmission to the University.

c. Expulsion. Add at end: Expulsion for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts permanently.

BACKGROUND: These sections have been written in an effort to deal with two problems: the question of the proper time for a suspension to take effect, and the existing language that prevents the fact of the penalty from being mentioned in the transcript. The proposal would add to the transcript information on suspension, dismissal, or expulsion for an academic offense, but (in the first two cases) do so for only a three year period.

Background and Rationale:

You should recall that an earlier draft of these proposed changes was discussed at the December 7, 1987 meeting of the Senate. After some debate a motion was approved to return the document to the Rules Committee. What is before the Senate at this point is a revised version of the materials referred back to the committee.

These proposed changes result from a major project being undertaken by the Rules Committee to clarify, polish, and in some cases tighten the language of various sections of the University Senate Rules. In this particular case, the proposed changes involve various portions of the rules dealing with cheating and plagiarism and the disposition of academic cases. Although the Senate Council found that many of these proposed changes are relatively minor, several of them do represent substantive changes.

Chairman Lyons recognized Professor Loys Mather. Professor Mather, on behalf of the Senate Council, moved approval of the proposed addition to the University Senate Rules, Section III--Course Numbering System and Curriculum Procedures, 1.3, "R" (Remedial) Courses. Professor Mather said the situation was that the University presently has two "R" courses, CHE 102R and MA 108R that are approved for "R" courses but there is no provision in the Rules. He said that passing the proposal would provide for these courses and in addition it would specify they could be counted toward a student's residency credit but not for graduation. This proposal was circulated to members of the Senate under date of 23 February 1988.

Professor Jewell moved that the ten-day circulation rule be waived. Motion was seconded and passed unanimously.

The Chair noted that the proposal was a motion from the Senate Council and did not require a second.

The floor was opened for questions and discussion. Professor John Rea wondered if there would be a problem with transfer courses that were remedial at the school where the course was taken and not equivalent to the University's "R" courses. He suggested saying, "No remedial course shall receive credit if other colleges have different remedial courses." Chairman Lyons said the proposal stated any "R" course would not receive credit towards a bachelor's degree. Professor Rea said for transfer courses not designated in this fashion from the institution where they were transferred could cause some confusion. The Chair said that two things were being done with the motion. One is creating a class of courses in the Senate Rules called "R" courses. Two, none of those courses under any condition would be allowed to be counted toward a degree requirement. Professor Weil said that there were hundreds of courses created at other institutions that receive no credit when transferred to UK. He said that the people evaluating the transcripts had to be trusted. Professor Rea felt that inserting the word "remedial" would be helpful. Professor Loys Mather (Agriculture) felt the second sentence was clear enough which stated "No course designated with an "R" shall receive credit towards a bachelor's degree...." Professor Rea felt that would not

take care of transfer courses. Professor Marcus McEllistrem (Physics and Astronomy) moved the previous question.

The motion unanimously passed in a voice vote and reads as follows:

Background and Rationale:

The Undergraduate Council has recommended the approval of a proposal from the College of Arts and Sciences to have a university wide rule against crediting remedial courses (R) towards a bachelor's degree at the University of Kentucky.

Although the Senate did approve the creation of the only two "R" type courses still on the books (i.e. CHE 102R and MA 108R), there are no provisions in the Rules for such courses. The creation of a new paragraph in Section III - 1.3 has been approved by the Senate Council to legitimize such courses and limit their use in satisfying degree requirements. The proposal that is recommended to the University Senate reads as follows:

Proposal:

III 1.3 Remedial Courses

All remedial courses created by the University Senate shall be designated with the letter R following the course designation and number. No course designated with an R shall receive credit towards a bachelor's degree at the University of Kentucky.

Implementation Date: Immediately

The last action item on the agenda concerned admission to the Honors Program. The Chair recognized Professor Malcolm Jewell for waiver on the ten-day circulation rule. Professor Jewell moved the waiver on the ten-day circulation rule which was seconded and passed without discussion.

Chairman Lyons recognized Professor Loys Mather. Professor Mather, on behalf of the Senate Council, moved approval of the proposed change in University Senate Rules, Section IV - 2.2.5, Admission to the Honors Program. He said that presently the Honors Program requires an ACT score of 26 and it would be helpful to the Honors Program if their minimum requirement could be 27 and be consistent with the University's Presidential Scholarships. This proposal was circulated to members of the Senate under date of 25 February 1988.

The Chair noted that the proposal was a recommendation from the Senate Council and did not require a second. He said that Professor Betts was there if anyone had any questions about the impact of the proposal.

There were no questions or discussion and the proposal, which unanimously passed, reads as follows:

Proposal: (Underline portion new; delete bracketed item)

IV 2.2.5 Honors Program

To be admitted to the Honors Program, entering freshmen should generally have a high school grade point average of 3.5 or better and a composite ACT score of 27 [26] or better. Students entering the program after the freshman year must have a cumulative University grade point average of 3.0 or better. (US:2/10/79)

Background and Rationale:

Changing the existing ACT score of 26 to 27 will achieve agreement between this requirement and that of the university's Presidential Scholarships.

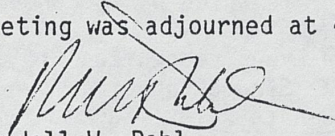
This difference of one point has been the source of considerable confusion and concern among students applying to the University and the Honors Program.

The intended change will not adversely affect Honors Program applicants. Of the current freshman class of 105 students, 90 have ACTs of 27 or better. Moreover, provisional admission will remain possible, as it has in the past, for the exceptional student whose ACT is below the norm.

Implementation Date: Fall, 1988 for Spring admissions, 1989.

The Chair reminded the Senate that the next meeting would be on April 11 (NOTE: changed to April 25) and would be at the regular scheduled time. He said there would be a number of important items, including the Board of Trustees Faculty Member Report. There would also be a report from the ad hoc committee on course processing and program change processing.

There being no further business, the meeting was adjourned at 4:10 p.m.


Randall W. Dahl
Secretary of the University Senate

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UNIVERSITY OF KENTUCKY

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UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

25 February 1988

The Honorable Michael R. Moloney
2nd Floor, Old Northern Bank Building
259 West Short Street
Lexington, Kentucky 40507

Dear Mike:

This confirms our earlier telephone conversation concerning your willingness to appear before the University Senate to talk about the budget situation facing higher education and the efforts by the legislature to cope with that situation. I hope that you will also consent to answer a few questions from the floor.

The meeting is scheduled for 3 PM on Monday, March 7 in room 115 of the Nursing Building (on Rose Street). If you are not immediately familiar with that building, enclosed find a map indicating where it is located and where you will find a reserved parking space. According to the instructions given to me you are to enter through the Medical Plaza patient parking booth shown on the map. Tell the guard who you are and he or she will direct you to a reserved parking place. Someone will meet you at door leading into Room 115.

Thank you for agreeing to take the time from your busy schedule to address the Senate. I am sure that these faculty and student leaders will be most interested in your remarks.

Sincerely,

Bill
W.E. Lyons
Chairman

Enclosure-1

cc: David P. Roselle

2169C

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

24 February 1988

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, March 7, 1988. Proposed Revisions in University Senate Rules, Section VI 3.0 and ff. Academic Offenses and Procedures and Section VI 4.0 and ff. Disposition of Cases of Academic Offenses

Background and Rationale:

Enclosed are a number of proposed changes in the University Senate Rules concerning Section VI 3.0, Academic Offenses and Procedures and Section VI 4.0, Disposition of Cases of Academic Offenses. You should recall that an earlier draft of these proposed changes was discussed at the December 7, 1988 meeting of the Senate. After some debate a motion was approved to return the document to the Rules Committee. What is before the Senate at this point is a revised version of the materials referred back to the committee.

These proposed changes result from a major project being undertaken by the Rules Committee to clarify, polish, and in some cases tighten the language of various sections of the University Senate Rules. In this particular case, the proposed changes involve various portions of the rules dealing with cheating and plagiarism and the disposition of academic cases. Although the Senate Council found that many of these proposed changes are relatively minor, several of them do represent substantive changes. Therefore, the Senate Council recommends that this particular collection of proposed changes be considered for passage by the full University Senate at its meeting on March 7, 1987.

Attached find the revised changes approved by the Senate Council on 22 February 1988.

Implementation Date: Fall 1988

Attachment-1

/cet
2171C

PROPOSED REVISIONS IN SECTION VI.3. ACADEMIC OFFENSES AND PROCEDURES
AND VI.4. DISPOSITION OF CASES OF ACADEMIC OFFENSES

These sections were rewritten a couple of years ago. There are a number of ambiguities and contradictions that it is necessary to clear up. In addition, a number of changes in the procedures have been recommended.

3.0 Academic Offenses and Procedures

Students shall not engage in plagiarism or cheating.

BACKGROUND: The existing rules do not explicitly prohibit cheating, and it seems that this section should begin with such a statement.

4.0 Disposition of Cases of Academic Offenses

4.1 2d par., last sentence

If the student is not reasonably available or fails to attend the meeting, the instructor, with the approval of the department chairman, shall inform the student by certified mail [or other means of delivery with receipt acknowledged in writing] and, if necessary, by other means reasonably calculated to give the student notice, of the evidence, charges, and possible penalties.

BACKGROUND: The present rule makes it possible for a student to frustrate the process by failing or refusing to pick up certified mail. This proposal provides an alternative. Similar changes are made in other sections.

4.2 Responsibility of the Dean of the College where the offense occurred or of the Dean of the Graduate School, as appropriate

4.2.1 Cases initiated by a Department

1st par.

[After reviewing the file forwarded by the department chairman, the dean or the dean's designee shall, within 7 working days, forward the file to the appropriate Chancellor. If the dean disagrees with the sanction recommended by the chairman, the dean shall forward only his or her own recommendation to the Chancellor.]

After reviewing the file or report from the department chairman, the Dean or the Dean's designee may make his or her own decision about the appropriate sanction and take one or both of the actions specified in 4.2.3.

2d and 3d par.

Unchanged

4th par. Omit

[After reviewing the file or report, the dean may then take one or more of the following actions listed under a or b (see below).]

4.2.2 Cases initiated by the Dean

5th par. Unchanged, except for last two lines:

certified mail [or other means of delivery with receipt acknowledged in writing] and, if necessary, by other means reasonably calculated to give the student notice. Within 7 days of charging the student as set out above, the Dean or the Dean's designee may take [one or more of the following actions:] one or both of the actions listed in section 4.2.3.

6th par.

4.2.3

After following the procedures outlined in Section 4.2.1 or 4.2.2, the Dean or the Dean's designee may take one or both of the following actions:

- a. impose the minimum penalty of E for the course in which the offense occurred;
- b. forward the file to the appropriate chancellor recommending a sanction of suspension, dismissal, or expulsion.

7th par.

Notice of such action [taken under a or b above] shall immediately be sent by the Dean or the Dean's designee to the student by certified mail [or other means of delivery with receipt acknowledged in writing] and, if necessary by other means reasonably calculated to give the student notice, with copies to the instructor, and the department where the offense occurred, dean of the student's college, Registrar and Academic Ombudsman. If the student is enrolled in a college in a different sector, notice of action should also be sent to the appropriate chancellor.

BACKGROUND: The revision of this entire section is designed to eliminate confusion and contradiction of existing provisions. The use of three subsections is part of the effort at clarification. The first subsection refers to complaints coming from the department; the second concerns those initiated by the Dean; the third specifies the Dean's options for penalties in either case. The new language makes it clear that the Dean has final authority to determine the sanction of an E in a course, and if this is the only sanction imposed, the file need not go to the Chancellor. It also makes it clear that the Dean can raise or lower the penalty recommended by the department chairman (from suspension to E or from E to suspension).

4.4 Rights of the Student

(1st par., 2d sentence)

The appeal must be filed in writing with the Academic Ombudsman within [15] 10 working days after the [student's notification] date that the student receives notification of the sanction.

Background: The change is to make this compatible with Sec. 4.3, which mentions 10 days; also it clarifies "notification".

4.7. Responsibility of the University Appeals Board

[Omit pars. 6 and 7, the last two in this section.]

BACKGROUND: These two paragraphs are confusing and contradict other paragraphs. They apparently should have been dropped when the new rules were adopted. These provide that the Appeals Board shall make its recommendation on a sanction to the President, but under the new rule this recommendation is made to the Chancellor. Furthermore it refers to the possibility of a grade of W in the course, a provision that has been dropped.

4.9

[This] Information regarding the academic offense other than the fact and term of any mandatory restriction on the student's eligibility for continued enrollment may be released only with the written consent of the student.

4.10

a. Suspension. Add at end: Except in the case of a graduating senior, the penalty of suspension shall apply to enrollment periods following the implementation of the penalty by the Chancellor. Suspension for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts for a period of three years beyond the conclusion of the suspension.

b. Dismissal. Add at end: Dismissal for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts for a period of three years from the student's readmission to the University.

c. Expulsion. Add at end: Expulsion for an academic offense shall be noted in the student's permanent academic record, and shall appear on all transcripts permanently.

BACKGROUND: These sections have been written in an effort to deal with two problems: the question of whether it is proper to suspend a student for the semester during which the penalty is imposed, and the existing language that prevents the fact of the penalty from being mentioned in the transcript. The proposal would add to the transcript information on suspension, dismissal, or expulsion for an academic offense, but (in the first two cases) do so for only a three year period.

Callahan

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

25 February 1988

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, March 7, 1988. Proposed change in University Senate Rules, Section IV - 2.2.5, Admission to the Honors Program.

Proposal: (Underline portion new; delete bracketed item)

IV 2.2.5 Honors Program

To be admitted to the Honors Program, entering freshmen should generally have a high school grade point average of 3.5 or better and a composite ACT score of 27 [26] or better. Students entering the program after the freshman year must have a cumulative University grade point average of 3.0 or better. (US:2/10/79)

Background and Rationale:

Changing the existing ACT score of 26 to 27 will achieve agreement between this requirement and that of the university's Presidential Scholarships.

This difference of one point has been the source of considerable confusion and concern among students applying to the University and the Honors Program.

The intended change will not adversely affect Honors Program applicants. Of the current freshman class of 105 students, 90 have ACTs of 27 or better. Moreover, provisional admission will remain possible, as it has in the past, for the exceptional student whose ACT is below the norm.

Implementation Date: Fall, 1988 for Spring admissions, 1989.

/cet
2174C

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL
10 ADMINISTRATION BUILDING

23 February 1988

*in
Cincinnati*
AME
OK
PO
AME
as stated

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, March 7, 1988. Proposed addition to the University Senate Rules, Section III--Course Numbering Systems and Curriculum Procedures, 1.3, "R" (REMEDIAL) Courses.

Background and Rationale:

The Undergraduate Council has recommended the approval of a proposal from the College of Arts and Sciences to have a university wide rule against crediting remedial courses (R) towards a bachelor's degree at the University of Kentucky.

Although the Senate did approve the creation of the only two "R" type courses still on the books (i.e. CHE 102R and MA 108R), there are no provisions in the Rules for such courses. The creation of a new paragraph in Section III - 1.3 has been approved by the Senate Council to legitimize such courses and limit their use in satisfying degree requirements. The proposal that is recommended to the University Senate reads as follows:

Proposal:

III 1.3 Remedial Courses

All remedial courses created by the University Senate shall be designated with the letter R following the course designation and number. No course designated with an R shall receive credit towards a bachelor's degree at the University of Kentucky.

Implementation Date: Immediately

2172C

3/2/88

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CO-OP EDUCATION
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STUDENT AFFAIRS
(606) 257-1021

February 29, 1988

MEMORANDUM

TO: Professor William E. Lyons
Chairman, University Senate Council

FROM: Ray M. Bowen *Ray M. Bowen*
Dean of Engineering

SUBJECT: Complexity of Regulations

As we have discussed before, the various regulations which govern the university are complex and frequently burdensome. The senate rules, in some cases, also suffer from the same deficiency. The purpose of this memorandum is to relate to you an example.

An accusation of cheating was made against one of our students last semester. He exercised his various appeals until the case reached the Appeals Board. At the hearing of this board, the attorney for the student raised what I understand was a new issue in this case. He pointed out that the letter of notification of the cheating case had not reached the student within the seven day period as required by senate rules. The university attorney in attendance produced evidence that the department and this college had sent registered letters to his address of record. They were returned approximately three weeks after leaving the respective offices. The actual notification reached the student sometime later when it was given to him by a faculty member. It turns out that the student had moved to another Lexington address and had not notified the university. He maintained that his official address was that of his parents, and that the letter should have been sent to that address.

The attorney for the student made a motion for dismissal because of the violation of senate rules. The hearing officer accepted the motion and the case was dismissed. I will not burden you with the details of why the hearing officer was incorrect in this case. The legal counsel for the university is trying to have the dismissal reversed. However, I do want you to know that the senate rules which govern this process are unworkable.

The departments and this college have limited information as to where students live. One source is the registrar's office. The other source is the campus phone book. This source is the most reliable of the two. Theoretically these two sources should be equivalent. Frequently, this is not the case. We attempted to use a local address which proved to be incorrect. Also, no forwarding address was given. Because of Buckley amendment considerations, we have been reluctant to send mail to the address of parents and guardians.

Based upon the case I am describing here, it is apparent that a student that is in some difficulty relative to the rules which govern student rights and responsibilities would never accept a registered letter. In this way, a dismissal will be likely and the student is out of trouble.

The source of the problem being described is a set of rules which assume that each department and college have available a full time para-legal to provide oversight on all rules. Because this is not and should not be the case, the rules need to be reviewed and put in a form which are workable for the faculty. This can be done while at the same time protecting the rights of the student.

Last fall the Ombudsman, Bill Fortune, described to our faculty the various rules which govern cheating cases. As he will tell you, he was faced with a barrage of criticisms like the ones I am giving here. The faculty will stop dealing with cheating cases if the rules are so complex that an unavoidable oversight on our part results in dismissal for the student and embarrassment for the faculty.

I am aware of the recent work of the Senate Council on certain aspects of the Senate Rules which cover Academic Offenses and Procedures and Disposition of Cases of Academic Offenses. My study of the recent circulation from the Senate Council tells me that the points of my concern are not addressed. I hope the Senate Council will give some additional attention to the concerns raised in this memorandum. Our rules must be put into a workable form for the faculty.

cc: Chancellor Art Gallaher
Vice-Chancellor James Kuder
Gay M. Elste, Associate Counsel
William Fortune, Ombudsman
Professor Fred Trutt
Professor Don Leigh