

3.25 EVALUATION OF STUDENT CHARACTER AND ABILITY

A student has the right to have his character and ability evaluated only by individuals with a personal knowledge of him. Records containing information about a student's character shall indicate when the information was provided, by whom, the position of this individual, and his qualification for evaluating the student.

The Chairman announced that if there were no objections the Senate would stay in session until 5:30, recess until 4:00 p.m., Monday, October 27, 1969, in the Court Room of the Law Building when the Senate will reconvene to continue deliberation of the Report. There were no objections to this proposal.

A Senator raised the question of the presence of a quorum. A count revealed the absence of a quorum. The Senate then recessed until 4:00 p.m., Monday, October 27th, at 4:00 p.m.

Meeting recessed at 5:10 p.m.

The Senate reconvened at 4:00 p.m., Monday, October 27, 1969, in the Court Room of the Law Building. Chairman Ogletree presided. Members absent: Staley F. Adams*, Clifford Amyx, Charles Auvenshine, Robert A. Baker, Norman F. Billups, Richard C. Birkeback, Ben W. Black*, H. Martin Blacker*, Wallace N. Briggs*, Cecil Bull*, Marion A. Carnes, Clyde R. Carpenter*, Virgil L. Christian, Jr., Donald B. Coleman, Robert L. Cosgriff*, William B. Cotter, Clifford J. Cremers*, Charles F. David III, Loretta Denman*, David E. Denton, R. Lewis Donohew, W. G. Duncan, W. W. Ecton*, Fred Edmonds*, Roger Eichhorn*, Joseph Engelberg*, Frank J. Essene, Joseph B. Fugate, Roy F. Gabbard, Jess L. Gardner*, Stephen M. Gittleson*, Ben R. Gossick, Joseph J. Gruber, Michael D. Hall, Alfred S. L. Hu, John W. Hutchinson*, Donald W. Ivey*, Don R. Jacobson, Albert D. Kirwan*, Robert W. Kiser*, James A. Knoblett*, James F. Lafferty*, Carl E. Langenhop, Harold R. Laswell*, Albert S. Levy, Richard V. McDougall, Marcus T. McEllistrem, Michael P. McQuillen*, Richard I. Miller, George E. Mitchell, Dean H. Morrow, Theodore H. Mueller, Vernon A. Musselman, Jacqueline A. Noonan*, Louis A. Norton, Horace A. Norrell*, Richard P. O'Neill, Albert W. Patrick*, Nicholas J. Pisacano, Muriel A. Poulin*, Leonard A. Ravitz, John W. Roddick, Robert W. Rudd, Donald E. Sands, John W. Schaefer*, Rudolph Schriels, George W. Schwert, Robert A. Sedler*, Ralph Shabetai, D. Milton Shuffett, Gerard E. Silberstein*, Emily V. Smith*, William G. Survant, Duane N. Tweeddale*, Harold H. Van Horn, Harwin L. Voss*, David R. Wekstein*, David C. White*, W. W. Winternitz*, Donald J. Wood*, N. W. Bradley, Jean M. Hayter*, Vernon L. James, Otis A. Singletary, George J. Ruschell, Glenwood L. Creech, Stuart Forth, Lewis W. Cochran*, Lawrence A. Allen, Charles E. Barnhart, Harry M. Bohannon, Marcia A. Dake*, Robert M. Drake, Jr., Harold D. Gordon, Charles P. Graves, Joseph Hamburg, Ellis F. Hartford, Raymon D. Johnson, William S. Jordan, Jr.*, Elbert W. Ockerman*, Leonard V. Packett, John C. Robertson*, Doris M. Seward, Eugene J. Small, John L. Sutton, Ernest F. Witte, Joseph L. Massie.

The Senate approved the requests of Jeannie Leedom, Jean Renaker, Kernel reporters, and Dick Ware, Kernel photographer, to attend, report and photograph.

The Chair recommended that the Senate continue in session until 5:30, then recess and reconvene at 7:00 p.m. At this point quorum was called for. A count revealed the absence of a quorum.

*Absence explained

Motion was made and seconded that in case of a quorum call and the absence of a quorum the members in attendance constitute themselves as a Committee of the Whole and continue to do business subject to later approval by the Senate body when a quorum is present.

Motion was made and seconded to adjourn. The Senate defeated this motion.

The motion on the floor that the members in attendance operate as a Committee of the Whole and continue to do business subject to later approval when a quorum is present was then approved by the Senators present.

On behalf of the University Senate Advisory Committee on Student Affairs, Dr. Plucknett presented proposed new Sections 3.3, 3.31, and 3.32 and recommended that these Sections be approved for inclusion in the Code under new ARTICLE III for recommendation to the Board through the President. The Committee of the Whole approved this recommendation as presented. All of Section 3.3 - RIGHTS OF THE ACCUSED - which includes 3.31 and 3.32, as approved, reads as follows:

Section 3.3 RIGHTS OF THE ACCUSED

3.31 In disciplinary cases in which the accused alleges that his rights as described herein have been violated, he has the right to have this matter resolved by the University Appeals Board prior to his trial for a disciplinary offense.

3.32 The student shall be guaranteed the following rights in all proceedings of the University Judicial System:
(Same as 3.1 - 3.8 of the Code)

A call for a quorum was made by a Senator. Signatures on the attendance sheets were counted and the Chair ruled that a quorum was present.

The Senate then ratified the action taken while it was operating as a Committee of the Whole.

Dr. Plucknett presented a motion that in the event a quorum call showed lack of a quorum, the Senate authorize those in attendance to become a Committee of the Whole and continue to do business, to be reported to the Senate for approval or disapproval at such time as a quorum is present. The University Senate approved this motion.

Dr. Plucknett presented a motion that the Senate approve 3.41 and 3.43 under Section 3.4 - RIGHT OF ACADEMIC FREEDOM - for recommendation to the Board of Trustees through the President. The Senate approved this recommendation. Sections 3.41 and 3.43, as approved, read as follows:

Section 3.4 RIGHT OF ACADEMIC FREEDOM

3.41 RIGHT OF FREE EXPRESSION

A student has the right to freedom of expression, which includes the right to picket or demonstrate for a cause, subject to the restriction that he act in an orderly and peaceful manner and in no way interfere with the proper functioning of the University as stated in section 1.3a.

3.43 RIGHT TO A FREE STUDENT PRESS

A student has the right to a student newspaper that will publish news of general interest and is free to deal openly, fearlessly, and responsibly with issues of interest and importance to the academic community. He may also expect that the newspaper will avoid such practices as the use of libel, undocumented allegations, obscenity, attacks on personal integrity, deliberate deception of its readers, unnecessary harassment and innuendo, and other violations of individual rights.

The editors of the newspaper have the right to be protected against dismissal or suspension except for violating these practices, and they also have the right to editorial freedom without approval of copy.

Dr. Plucknett recommended that the Senate postpone action on Section 3.42 under Section 3.4 - RIGHT OF ACADEMIC FREEDOM - until such time as the Board of Trustees has reacted to the Policy Statement Governing Off-Campus Speakers (which was approved by the University Senate on September 9, 1968 and transmitted to the Board on November 19, 1968). The Senate approved this recommendation.

Dr. Plucknett recommended approval of the entire Roman Numeral III for recommendation to the Board through the President, which includes Sections 1.53, 1.531, 1.532, 1.533, 1.534, 1.535, and 1.536. The recommendation was seconded.

Motion was then made and seconded to amend the last sentence in sub-section a. under Section 1.535 to delete the phrase "of the violation of a student's rights." and to insert the following additional phrase after the word "days":

after the Dean communicates both to the Appeals Board and the student that either he considers the case without merit or is unable to terminate satisfactorily the grievance.

The Senate approved this amendment.

The Senate then approved Roman Numeral III which includes Sections 1.53, 1.531, 1.532, 1.533, 1.534, 1.535 as amended, and 1.536. These Sections, as approved and amended, read as follows:

1.53 THE UNIVERSITY APPEALS BOARD

There shall be a University Appeals Board with appellate jurisdiction over all cases originating with the University Judicial Board or the Residence Judicial Boards, and also with jurisdiction over all cases involving violations of rights stated herein.

1.531 APPELLATE JURISDICTION OVER UNIVERSITY JUDICIAL BOARD

(Change only in heading)

1.532 APPELLATE JURISDICTION OVER RESIDENCE JUDICIAL BOARDS

Within 30 days after receipt of the decision of the Residence Judicial Board, any accused student may appeal in writing to the Dean of Students for a review by either the University Judicial Board or the University Appeals Board. This review may concern either the finding of guilt or the nature or severity of the punishment. The Dean of Students shall forward the appeal to the designated Board for appropriate action.

1.533 The University Appeals Board may decide that the issue involved in the Residence Judicial Board case warrants its jurisdiction and therefore hear the appeal; or it may decide to refer the case to the University Judicial Board.

1.534 New number for 1.532 -- Disposition of Cases of Disciplinary Offenses

1.535 JURISDICTION OVER CASES INVOLVING STUDENT RIGHTS

a. The Board shall hear any case referred to it by the Dean of Students and may grant the written appeal of any student to hear a case not referred to it by the Dean of Students. This written appeal must be submitted within 30 days after the Dean communicates both to the Appeals Board and the student that either he considers the case without merit or is unable to terminate satisfactorily the grievance.

b. The Board shall also have jurisdiction to review the substance of any academic or administrative regulation or decision that is alleged to be inconsistent with the rights stated herein.

The Board may initiate this review or it may be requested in writing to do so by any student after consultation with the Dean of Students. If the Board decides to consider the academic or administrative regulation or decision, it shall immediately notify the administrator or faculty member responsible for it, and also provide a written statement of the reasons for the review. The Board shall thereafter conduct a hearing.

1.536 DISPOSITION OF CASES OF STUDENT RIGHTS

After hearing a case and deciding that a violation of student rights has been proved, the Board may select from the following remedies:

a. The Board may request the President to admit an applicant denied admission in violation of Article 3.12.

b. The Board may request the President to give an applicant an athletic scholarship, or financial aid when such have been denied or withdrawn in violation of Article 3.13.

c. The Board may request the President to make available University facilities and services on a fair and equitable basis when a violation of Article 3.14 has been proved.

d. The Board may request the President to have any papers, property, or personal effects taken from a student's person or premises in violation of Article 3.21 returned to him and not be used to his detriment in disciplinary or academic proceedings.

e. The Board may request the President to direct compliance with Articles 3.22, 3.23, 3.24, 3.25 when a violation of the rights stated therein has been proved.

f. The Board may request the President to order the modification of or repeal of any academic or administrative regulation or decision inconsistent with the rights stated herein.

g. The Board may request the President to take any other reasonable action calculated to guarantee the rights stated herein.

Dr. Plucknett recommended approval of items 1. and 2. under Roman Numeral IV, for recommendation to the Board through the President. This recommendation was seconded. Motion was then made and seconded to amend item 1., Section 1.521a, to read:

1. Section 1.521a -- The University J-Board shall receive appeals directed to it by accused students from decisions of any Residence J-Board . . .

The Senate approved this amendment.

The Senate then approved item 1. as amended, and item 2. under Roman Numeral IV. The approved changes are as follows:

1. Section 1.521 Authority

a. The University J-Board shall receive appeals directed to it by accused students from decisions of any Residence J-Board . . .

2. Section 2.4 Right of Appeal

Within 30 days after receipt of the decision of the Residence J-Board, any accused student may appeal in writing to the Dean of Students for a review by either the University Judicial Board or the University Appeals Board pursuant to section 1.532 and 1.533.

Dr. Plucknett recommended approval of Roman Numeral V which included the addition to Section 1.51 - The Role of the Office of the Dean of Students - of Sections 1.514, 1.515, and 1.516. Motion was then made and seconded to amend Section 1.515 to remove items d. and e. from this Section and to add them to Section 1.535, as items c. and d. The Senate approved this amendment. Items c. and d., to be added to Section 1.535, read as follows:

- c. Upon receipt of the written appeal, the Chairman of the Appeals Board shall notify the Dean of Students to forward all reports and evidence concerning the case.
- d. The Board may then by majority vote agree to hear the student's case or allow the Dean's decision to be final.

The Senate approved Roman Numeral V which included the addition of Sections 1.514, 1.515, as amended, and 1.516. These added sections, as approved, read as follows:

- 1.514 All student grievances involving rights stated herein shall be reported to the Dean of Students within 30 days of their occurrence. Grievances reported after this period or which otherwise come to the attention of the Dean of Students may be acted upon according to his determination of the circumstances.
- 1.515 The Dean of Students shall investigate each student grievance to determine whether it contains merit.
 - a. If he decides that it does, he shall use moral suasion, negotiation, personal appeal, and the prestige of his office to settle the case to his satisfaction and that of the student.
 - b. If he decides that it does not contain merit, he shall forward a written report to the University Appeals Board and a copy to the student.
 - c. When he is unable to satisfy the grievance to the satisfaction of the student or when he has notified the student that the grievance does not contain merit, the student has the right to appeal within 30 days to the University Appeals Board.
- 1.516 The Dean of Students shall have broad investigatory powers in such cases and he shall receive prompt and full cooperation from students, student organizations, faculty and administrators. He may recommend policies or practices that should be terminated, modified or initiated to Student Government, the Senate Council, deans, department heads, or other appropriate persons.

Motion was made and seconded to approve the remainder of the document -- which recommended that the following be included in the Rules of the University Senate and forwarded to the Rules Committee for codification:

Academic Rights of Students
The Faculty Ombudsman
Academic Offenses and Procedures
Academic Punishments
Authority of the University Appeals Board in Cases
of Student Rights

The Senate defeated this motion.

Dr. Plucknett then recommended approval of paragraphs A, B, C, D, and E under I. ACADEMIC RIGHTS OF STUDENTS, and transmittal to the Rules Committee for codification into the Rules. This recommendation was seconded.

Motion was then made and seconded to amend paragraph A to include the following phrase to precede the first word in the sentence:

"In undergraduate courses not offered in professional schools . . ."

This motion was defeated.

The Senate then approved the motion to include I. ACADEMIC RIGHTS OF STUDENTS, paragraphs A, B, C, D, and E in the Rules of the University Senate to be forwarded to the Rules Committee for codification. These new Rules read as follows:

I. ACADEMIC RIGHTS OF STUDENTS

A. INFORMATION ABOUT COURSE CONTENT

A student has the right to be informed in reasonable detail at the first or second class meeting about the nature of the course and to expect the course to correspond generally to its official description.

B. INFORMATION ABOUT COURSE STANDARDS

A student has the right to be informed at the first or second class meeting about the standards to be used in evaluating his performance, and to expect that the grading system described in the University catalogue will be followed. Whenever factors such as absences or late papers will be weighed heavily in determining grades, a student shall be so informed at the first or second class meeting.

C. CONTRARY OPINION

A student has the right to take reasoned exception to the data or views offered in the classroom without being penalized.

D. ACADEMIC EVALUATION

A student has the right to receive a grade based only upon a fair and just evaluation of his performance in a course as measured by the standards announced by his instructor at the first or second class meeting. Grades determined by anything other than his instructor's good-faith judgment based on such standards are improper. Among

irrelevant considerations are race, color, religion, sex, national origin, political affiliation, or activities outside the classroom that are unrelated to the course work.

E. EVALUATION OF STUDENT CHARACTER AND ABILITY

A student has the right to have his character and ability evaluated only by individuals with a personal knowledge of him. Records containing information about a student's character and ability shall indicate when the information was provided, by whom, the position of this individual, and his qualifications for evaluating the student.

Motion was made and seconded that if consideration of the Report had not been completed at 5:30 p.m., the Senate recess and reconvene at 7:30 p.m.

Call for a quorum was then made. A count revealed the lack of a quorum. The Senate then proceeded as a Committee of the Whole as a result of the action which it had previously taken.

Motion was made and seconded to adjourn. The Committee of the Whole defeated this motion.

Motion was made and seconded to recess the Committee of the Whole at 5:30 and reconvene at 7:30 p.m. This motion was defeated.

Motion was then made and approved that the Committee of the Whole adjourn. This motion was approved.

The Committee of the Whole adjourned at 5:25 p.m.

Kathryne W. Shelburne
Recording Secretary

MINUTES OF THE UNIVERSITY SENATE, NOVEMBER 3, 1969

The University Senate met in special session at 4:00 p.m., Monday, November 3, 1969, in the Court Room of the Law Building. In the absence of Chairman Ogletree, Vice Chairman Pisacano presided. Members absent: Staley F. Adams, Charles Auvenshine*, Harry V. Barnard, H. Martin Blacker*, L. L. Boyarsky, Wallace N. Briggs*, Herbert Bruce*, C. Frank Buck*, Cecil Bull, Marion A. Carnes*, Clyde R. Carpenter *, Virgil L. Christian, Jr., Maurice A. Clay*, Arthur L. Cooke, Robert L. Cosgriff*, Tihamer Z. Csaky*, Charles F. Davis, III, Jesse DeBoer*, David E. Denton, R. Lewis Donohew, W. G. Duncan, Fred Edmonds*, Jess L. Gardner, Stephen M. Gittleson*, George W. Gunther, Michael D. Hall, Alfred S. L. Hu*, John W. Hutchinson*, John E. Kennedy, Melvin J. Lerner, Albert S. Levy, Rey M. Longyear*, Richard Mark*, Richard V. McDougall, Michael P. McQuillen*, Theodore H. Mueller, Jacqueline A. Noonan, Louis A. Norton, Horace A. Norrell, Richard P. O'Neill, Harold F. Parks*, Muriel A. Poulin*, William R. Proffit, Leonard A. Ravitz, John W. Roddick, Arthur W. Rudnick, Jr.*, John W. Schaefer, Rudolph Schriels, George W. Schwert, Ralph Shabetai, Gerard E. Silberstein*, William G. Survant*, Duane N. Tweeddale*, William F. Wagner*, David R. Wekstein, David C. White*, Raymond A. Wilkie, W. W. Winternitz, J. D. Wirtschaftfer, Donald J. Wood, Otis A. Singletary, Alvin L. Morris, William R. Willard*, George J. Ruschell, Glenwood L. Creech,

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506

DEAN OF ADMISSIONS AND REGISTRAR

ADMISSIONS
ORIENTATION
RECORDS
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October 21, 1969

MEMORANDUM

To: University Senate

From: Elbert W. Ockerman, Secretary, University Senate

Just a reminder that the University Senate recessed last Monday to reconvene at 4:00 p.m., next Monday, October 27, 1969, in the Court Room of the Law Building to continue consideration of the Report of the Senate Advisory Committee on Student Affairs.

University of Kentucky

Honors Program

Dear University Senate Member:

The members of the University of Kentucky Honors Program urge your support for the amendment proposed to expand the pass-fail option available to students in the Honors Program. This amendment to the present provisions for very limited pass-fail provides that: "Students in the Honors Program above the freshman level may, with advance written approval of the Director of the Honors Program, select additional elective courses to be taken on a pass-fail basis."

We believe you should adopt this amendment for three main reasons:

1. It would permit many of the most talented and highly motivated students at U. K. to overcome pressures for undue specialization in education. Students could and would use this pass-fail option to "pull into" their educational experience many threads of thought from diverse fields. This would provide a better balanced educational base.
2. It would greatly enhance the ability of the Honors Program to attract "superior" students to U. K. Currently, the Honors Program maintains the only broadly based recruitment program for such students at the University. Undoubtedly one of the foremost ways to boost the quality of U. K. is through boosting the quality of its students. Many of U. K.'s top students have been recruited by the Honors Program. The adoption of this amendment would greatly abet our efforts in this regard.
3. It would provide a well-controlled test of whether a more broad pass-fail program would be desirable at U. K. An appraisal of the uses to which superior students apply a more extensive pass-fail program will give the University an important index of the concept of pass-fail in its finest form.

The students of the Honors Program have worked on this proposal for many months. In its final form, it was drafted by the Senate Rules Committee. We have no dogmatic attachment to any particular form of the proposal as long as the form at hand guarantees a significantly expanded pass-fail option for Honors Program students. We believe that the form set out by the Rules Committee ensures the meeting of our goal--and thus we fully support it.

Perhaps the final issue of import is whether Honors Program students should have special considerations at all. Such privileges, as those mentioned above, would attract more gifted students to the University and thus serve the betterment of the University community as a whole. Such privileges are also consistent with helping each individual at U. K. to develop to his full potential. The Honors Program, while it does not include every superior student at U. K., stands available to all such individuals in their efforts to meet this educational goal. Such students need special programs in order to allow them to develop more fully. The Honors Program has greatly assisted in this regard. We believe that adoption of this amendment would help the Honors Program to further improve its service to University students.

The record of the Honors Program and its students has demonstrated that the University's investment has been more than repaid. We urge the adoption of this amendment in order to enhance the contribution that we, as students in the Honors Program, can make to the environment of learning and education at U. K. Thank you very much for your consideration of this matter.

Sincerely,

The Students of the University of
Kentucky Honors Program*

*This letter adopted by the members
of the Honors Program at their general
meeting of October 23, 1969

Nov. 5, 1969

TO: Members of the Senate
FROM: Honors Program Director
SUBJECT: Honors Program Pass-Fail Proposal

At the last regular meeting of the Senate a proposal by students in the Honors Program for a change in the rules was tabled. The students have asked me to inform you of the background of their proposal.

But first, we are extremely sorry no representatives from the Honors Program faculty, the students, and the Faculty Advisory Committee were present at the meeting of the Senate to explain and defend the proposition. We have all anticipated that opportunity for many months, but--as sometimes happens--we suffered from a failure of communications and were not present when the Senate considered the matter.

You should be advised that the proposal was student initiated. In the winter of 1968, the Honors Program Student Advisory Committee debated the merits of Pass-Fail and decided to carry a proposal to the students in the program. A number of meetings were held at which aspects of Pass-Fail were debated in depth. Also, programs at other institutions were examined. Finally, the students decided to move, through proper channels, for Pass-Fail privileges for superior students.

In essence they proposed that superior students be permitted to take up to 32 credit hours on Pass-Fail, that none of these hours be in their major subject or related fields (that is, that all be drawn from the elective component of their programs), and that teachers should not be informed that the students were registered for Pass-Fail grades (in short, that the P and F grades be assigned by the registrar on the basis of letter grades turned in by the professors, with grades below C to count as F).

The students then took this proposal to the Faculty Advisory Committee where they met strong opposition. In the first place, the College of Arts and Sciences was in process of formulating its own, faculty initiated, Pass-Fail proposal, and the Faculty Committee first inquired why that system was not satisfactory for superior students. The students defended their proposal eloquently and eventually won support from the Faculty Committee (as a matter of fact there was no dissent from the members present at the time the final decision was made, a meeting at which students were not present to place any pressure on the Committee).

The Faculty Committee then forwarded the proposal to the Senate Council, the proper body, with the verbal request that the students be permitted to explain their case. The Council in due time forwarded the proposal to the Rules Committee. This Committee considered the proposal and in time called representative Honors Program students to defend their position. The students did so again with great vehemence and eloquence. The Rules Committee, however, subsequently decided not to accept the student proposal as written. In its place they substituted the proposal which you tabled.

Without presuming to speak for the Rules Committee, we can say the students believed that the Committee wished to do something less than spell out an exact privilege. Accordingly, they placed responsibility for determining the amount of work to be taken on Pass-Fail, and the courses in which it would be permitted, on the Director of the Honors Program. Their opinion, one presumes, was that while some students might well profit from 32 credit hours on Pass-Fail, others should be more closely restricted, and that sort of restriction should be the direct responsibility of the administrator of the program. The contention raised on the Senate floor that some students might take 100 hours on Pass-Fail and then graduate from the University with no more than 28 graded hours is patently preposterous and should not for an instant be entertained by reasonable faculty members.

A number of students involved in the project were less than pleased with the alteration of their proposal by the Rules Committee; however, they graciously and co-operatively accepted the decision. In essence they believed that the Pass-Fail proposal of the College of Arts and Sciences was insufficient for certain superior students. They preferred to spell out exactly just what their extended privileges might be, but they were cognizant of objections sometimes raised to the Honors approach to education and decided to accept a compromise. That is how they viewed the change in the rules submitted to you.

Throughout a year and a half of negotiations the students were constantly assured on all quarters that they would, at every step of the procedure, be accorded a fair hearing. Not only did they not receive one, they did not receive any hearing at all on the floor of the Senate. It is their feeling, supported by the faculty of the Honors Program, that they deserve better. While their motion was only tabled, we are aware that this process may effectively kill a worthy proposal in any parliamentary body. It is the hope of us all that the Senate will reconsider this matter, giving the students an opportunity to appear before that body to state their case.

October 29, 1969