

**University Senate Meeting**  
**Thursday, September 15, 2016 -- 3:45 p.m.**  
**Faculty House**

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**A. Call To Order**

1. A regular meeting of the Western Kentucky University Senate was called to order by Chair Kate Hudepohl on Thursday, September 15, 2016 at 3:48 P.M. at the Faculty House.

2. A quorum was present.

**a. Members Present:** Lori Alexander, Heidi Álvarez, Audrey Anton, Fraha Ashrafzadeh, D'Lee Babb, Jim Berger, Barbara Brindle, Jill Brown, Barbara Burch, Pamela Chandler, Thad Crews, Jerry Daday, Susann Davis, Laura DeLancey, Lisa Duffin, Marko Dumančić, Claus Ernst, Keri Esslinger, Travis Esslinger, Ann Ferrell, Marilyn Gardner, Dominique Gumirakiza, Kate Hart, Timothy Hawkins, Anne Heintzman, Gary Houchins, Kate Hudepohl, Grayson Hunt, Jarrett Johnson, Pam Jukes, Molly Kerby, Soleiman Kiasatpour, Stephen King, Eric Kondratieff, David Lee, Fenghelen Lee, James Line, Ling Lo, Jeremy Maddox, Gayle Mallinger, Sean Marston, Lauren McClain, Mac McKerral, Richard Miller, Patricia Minter, April Murphy, Sharon Mutter, Hannah Neeper, Yvonne Petkus, Leslie Plumlee, Shura Pollatsek, Matt Pruitt, Beth Pyle, Jeffrey Rice, Jay Todd Richey, Dale Rigby, Julie Shadoan, Matt Shake, Melloney Simerly, Michael Smith, Heather Strode, Elizabeth Price Sturgeon, Dana Sullivan, Dick Taylor, Shannon Vaughan, Adam West, Aaron Wichman, Maribeth Wilson, Dawn Garrett Wright, and Zhonghang Xia.

**b. Substitutes Present:** Michael Carini for Keith Andrew, Danita Kelley for Neale Chumbler, Fred Stickle for Loretta Dye, Angela Jerome for Jennifer Walton Hanley, Martha Day for Lynn Hines, Michelle Trawick for Jeffrey Katz, Dan Forrest for Katherine Pennavaria, and Christy Spurlock for Sandy Staebell.

**c. Guests Present who signed in:** Amber Scott Belt, Dan Clark, Karin Egloff, Sylvia Gaiko, Eric Reed, and Tamela Smith.

**d. Members Absent:** David Bell, Kristi Branham, Fred DeGraves, Patricia Desrosiers, Robert Dietle, Ali Er, Connie Foster, Dennis George, Don Hoover, Andrea Jenkins, Dean Jordan, Joshua Marble, Edmund Martelli, Doug McElroy, Gary Ransdell, Bryan Reaka, Nancy Ayers Rice, Tiffany Robinson, Marilee Salvator, Larry Snyder, Cheryl Stevens, Fred Stickle, Kevin Thomas, Tanya Vincent, Paul Woosley, and Jie Zhang.

3. Chair Hudepohl clarified the protocol for University Senate meetings: (1) seating arrangements: Senators sit at the tables and Guests sit in the wings. (2) sign-in process: Senators cross names out with a single line, Subs sign name to the right of the person they are subbing for. Regular guests such as the Provost and Deans are listed on the roster. Since senate is open to the public, any Guests should print their name on the last page of the attendance roster. (3) When speaking, speak directly into the microphone and state your name first. (4) Any corrections to the roster should be sent to the following email addresses: [kate.hudepohl@wku.edu](mailto:kate.hudepohl@wku.edu), [julie.shadoan@wku.edu](mailto:julie.shadoan@wku.edu), and [Heidi.alvarez@wku.edu](mailto:Heidi.alvarez@wku.edu) .

## **B. Approve May Minutes**

1. A motion to approve the May 12, 2016 minutes by Dick Taylor was seconded by Molly Kerby. There was no discussion. The May 12, 2016 meeting minutes were approved as posted.

## **C. Reports:**

### **1. Chair – Kate Hudepohl**

- University Senate Webpage Update -- The Senate website is in the process of being updated: (1) The WKU salary statement has been scanned and posted. (2) The link to the Kentucky State website for salaries of any public employee of any institution is on the senate website. (3) The Budget and Finance website that was updated last year gives a condensed look at the revenue stream and expenditures on campus. (4) Actions through previous senate meetings are in progress and will be updated in reverse chronological order.
- The Title IX Coordinator, Andrea Anderson will visit the University Senate in October.
- The May 2016 University Senate business will take place under the first three items of business today. #4 is a motion out of the Senate Executive Committee that was on the May agenda. The motions to and responses from President Ransdell from last spring are also included.
- On August 29, the Senate Executive Committee talked about the Medical School/Medical Center and possible ramifications. This body will need a response and some kind of action to this proposal.
- Chair Hudepohl talked about the Presidential search. She said that the first twenty minutes of the Senate Executive Committee dealt with how faculty input was generated and Senate Executive Committee members shared thoughts such as what can we expect next in the process and when can we meet the candidate? The understanding from the search firm means that it is a closed search (we do not meet them until they are hired). This is a growing trend in academia. One member of the Senate Executive Committee responded that we would have pushed for a different make up of the search committee.
- Chair Hudepohl said the premise for the closed search is that candidates will chose not to do the search because it puts funding for their school in jeopardy and it also

puts their own job in jeopardy. The experience of the search firm is that ½ of the candidates will pull out of the search if it is not a closed search. Candidates need to know upfront if it is open or closed.

- Since the person will be part of the campus community, Chair Hudepohl said that it is troublesome for constituents that its stakeholders have no voice. There is an on-campus climate of distrust, and a lack of transparency on campus and with the Board of Regents.
- Julie Shadoan commented that Shadoan and Susann Davis both asked the search firm about a hybrid process and they did not get a clear answer. Both members of the Search Committee were not sure that this decision had been made; Shadoan said that this makes her curious. Most on the Senate Executive Committee thought it was closer to a bad idea though they understood the premise behind it. The Search Committee is charged to keep everything very confidential.
- Angela Jerome asked Regent Burch about the makeup of the Search Committee. Regent Burch said that she can speak on this because it is open knowledge. She said what has been conveyed is that the Search Committee is charged by the Board of Regents to do the search and screen process to present three to four people out of the pool to the Board of Regents. It is all confidential. What happens once the finalists are presented is up to the Board of Regents. There will be a better pool of applicants if it is confidential. The application process is confidential. At CSU Northridge, none were finalists on campus because nobody would come to campus. The Board Chair and the process of the Board of Regents is not known by Regent Burch. The decision will be made once the finalists are all known. The finalists are advised that they would have a choice if selected as a finalist. The decision on the final process is up to the Board of Regents and the Board will not make this decision until the end.
- Michael Smith asked if the Search Firm has to tell candidates if it is an open or closed search, someone must have told the candidates. Regent Burch responded that the Search Firm thought it was going to be closed. The question was raised and brought to the table at the Student Government Association and the Senate Executive Committee. It is a delicate balancing act and can be debated both ways. The Board Chair says the Search Committee will only screen the candidates.
- Grayson Hunt said that he was at a summer meeting with Regent Richey and Regent Burch and it was apparent (in June/July) that it was going to be closed; this was the mood of that meeting.
- Lauren McClain asked about why the members of the Search Committee who are also on the Board of Regents don't know. Regent Burch said that the Faculty, Staff, and Student Regents are on the Search Committee. The Board Chair was selected along with two others: Phillip Bale and Cynthia Harris. This was five total. The two others are the President of Alumni and Jim Meyers (to represent the community). The President of Alumni was appointed to the Board of Regents by Governor Bevin. So now there are six members of the Search Committee who are also on the Board of Regents. These six members will screen candidates. The entire Board of Regents (11 members) do the hiring. It is not the Search Committee's prerogative.
- Was there discussion at the Board of Regents Committee Meetings about this? Regent Burch said there were interviews for the Search Firm. There has been some

discussion but to her knowledge, there was no formal action by the Board of Regents that this would be a closed search. The Board Chair is aware of how people feel and the decision will be made at the time that the finalists are determined. The Search Firm said in the Senate Executive Committee that they understood this was how it was going to be.

- Someone asked if the Search Committee or the Board of Regents been advised by legal counsel if it is legal under Kentucky Statute? Regent Burch said that she is not aware of that.
- Audrey Anton asked if it is possible that someone else can be chosen other than the finalists? Regent Burch said yes. Can the selection of the Search Committee be totally ignored? Regent Burch said that the committee's charge is to screen the finalists. The Board of Regents makes the final decision. If no candidate is suitable, than yes, it is possible that one might not be right for our campus. It is our hope that we will find them.
- Audrey Anton asked if the Board of Regents has made a commitment to have someone that is recommended by the Search Committee. Regent Burch responded that the Board of Regents has invested time, money, and discussion – there is a heavy investment in the search and they are invested in making the right decision for WKU. The intention is to have a good pool of candidates and to have good choices.
- Lauren McClain said if six of the eleven Regents are on the Search Committee; if the Search Committee suggests those, then almost the whole Committee is on the Board. Regent Burch said that the decision is the right of the Board to make. There has been a process of the Board to engage others. Many colleagues have been involved in the process and those are being used by the Search Committee and the Search Firm. Regent Burch said that she has her own opinions but understands that they do not want to lose good candidates. It is not for her to say.
- Chair Hudepohl said that the faculty and student forums in the spring were recorded and they were listened to several times by the Search Firm.
- Mac McKerral said that in reading the Kentucky Statute, under Kentucky Law, six members of the Board of Regents constitutes a quorum and the meetings are supposed to be on public record. Regent Burch said that yes, this has been brought up; these are open meetings. She said she has been reading a lot about this. There are some provisions in which it can be closed session. Mac McKerral said something about contract negotiations and trade secrets.

## **2. Vice Chair – Julie Shadoan**

- Vice Chair Shadoan made an attempt to populate standing committees.
- The Senate approved the following committee members by general consent: Academic Quality: Guthrie, L. Bland (alternate), Kumisihi (alternate). Budget and Finance Committee: T. Davis (at large) and T. Brotherton. Colonnade: Hanley (at large). Faculty Welfare: S. Ghezal (at large) and S. Evans (alternate). UCC: S. Marcasslan (alternate).
- Vice Chair Shadoan still needs one alternate for Academic Quality and one alternate for Budget and Finance; 3 alternates for Colonnade; a Regular member for Faculty Welfare and a part time for Faculty Welfare; two alternates for University

Curriculum Committee. Vice Chair Shadoan emailed the appropriate Deans. The Faculty mentoring needs one from each college. FUSE also needs one from each college. Parking and Transportation needs a pool of three only. Professional education also needs one.

### **3. Secretary – Heidi Álvarez**

- The secretary reminded everyone to please sign in and clarified the sign-in procedure for members (cross out name with a single strike through your name), substitutes (print your name to the right of the person you are subbing for), and guests (print your name on the last page of the roster).
- The secretary asked those who are speaking on the floor to state their name first and to speak slowly, clearly, and audibly into the microphone so that the minutes can be accurate. This is particularly important since there will be new senate leadership in 2017 and because in the coming years, we will have new leadership and constituents across many parts of the university.

### **4. Coalition of Senate and Faculty Leadership for Higher Education – Molly Kerby**

- No report.

### **5. AAUP representative - Margaret Crowder**

- No report.

## **D. Advisory Reports:**

### **1. Faculty Regent – Barbara Burch**

- Regent Burch updated the University Senate on the Presidential Search Process. The ads are out and Candidates are being recruited by search firm. The Search Committee meets at the end of the month for some preliminary work. Interviews with the candidates will take place near the end of the semester. The Chair of Search Committee hopes to have the list narrowed to three or four finalists by early January. The target date for appointment of the new President is around early March.
- The Board of Regents Chair has a scheduled training for BOR members; it is a professional development training for board members from the Association of Governing Boards of Universities and Colleges.
- The Board of Regents met a number of times; meetings took place all summer long (committee meetings, board meetings, and the board retreat).
- There was a special called meeting of the Board of Regents on August 19. The agenda included installation of two new Board of Regents members and the proposed agreement

with The Medical Center for building a sports medicine building on campus. Regent Burch first learned about this proposed agreement at the July 22 Board Meeting. The agreement had been worked on by President Ransdell and the Athletic Director Chair since last January. Debate about this project in July and August was vigorous. Many things were considered and the conversation was heavy and active.

- The details were distributed to the media on the day of the meeting.
- WKU currently leases the third floor of the Medical Center Complex space. The second floor is used for Nursing. The third floor is used for the Doctor of Physical Therapy program. The President proposed to give up the third floor for the University of Kentucky's Medical Program in Fall of 2018. The Medical Center agreed to pay for and build a structure that will cost \$22 million. It will be located between the baseball stadium and the indoor practice facility for the baseball team and intramurals. 80% of it will be used by WKU for Physical Therapy, baseball offices, and indoor practice facility; and 20% will be used to house the new orthopedic sports medicine program of the Medical Center.
- Gains of this project include: a new indoor practice facility without a bond; recruiting for Conference USA; space for baseball operations; opportunity for the Medical Center to symbolize ongoing relationship with WKU; within the 99-year lease period, it could become a gift. This is not however, a gift – it is a business arrangement. It provides a location for UK's medical program; the Medical Center has a place and partnership to develop their new orthopedic program; the athletics programs get an indoor practice facility; the Doctor of Physical Therapy program gets designated access to athletes.
- There is a letter of intent that was originally discussed in a closed session; on August 19, it became an open board meeting. The 99-year lease is for \$1. The space will be used for the Doctor of Physical Therapy (moved from the Medical Center Complex), baseball offices; Medical Center Orthopedics Practice; training, and a sports program center. It will look like a big gym with artificial turf and it will be used as an indoor practice field. If the Medical Center moves out, they can gift it to WKU or they can place a wholly-owned subsidiary there. The Medical Center and its subsidiaries have WKU branding rights. If the agreement is terminated, WKU will lease or purchase the facility.
- The Medical Center Health and Enspire Quality Partners will be recognized as official WKU health partners. They will be the official orthopedic provider or official health care provider of WKU Athletics. WKU Athletics will ensure that current and future sponsors with marketing contractors, and future health care providers, refrain from entering into a sponsorship that might lead to confusion as to the Medical Center's status. WKU will refrain from allowing any other health care provider to purchase advertising or sponsorships on campus. The Medical Center has naming rights and branding on the interior and exterior of the facility; two sides of Preston Center; and branding on WKU health plan enrollment and medical plan materials. The Medical Center and affiliated entities may use the WKU logo and a tag line recognizing it as WKU's official healthcare provider.

- The Medical Center has exclusive right to operate a WKU on-campus healthcare clinic in a reasonable and customary manner; similar to current operation. This will transition no later than January 1, 2017. Our current contract with Grave Gilber Clinic extends to January 2018. WKU will not enter into a relationship with another medical services provider for provision of health services to its employees, students, or faculty without first offering the opportunity to provide said services to the Medical Center. Effective January 1, 2018, the WKU Employee Health Plan will include the Medical Center and Enspire Quality Partners and affiliated entities as preferred providers.
- Regent Burch spoke with the WKU Human Resources Director, Mr. Tony Glisson, and he has indicated that employee choice of health care provider will not be restricted. The Agreement notes that an employee cost structure will be maintained so that employees receive incentives when using the referenced providers. The described employee incentives shall not limit nor interfere with employees' right to choose other providers and facilities as desired with the Health Plan's designated provider network and plan structure. The plan design provisions are subject to modification based on any regulatory or compliance requirement. WKU will continue to choose its third-party administrator.
- There will be a dedicated parking lot adjacent to the building, and designated parking in the Keen Hall parking lot. Parking is sufficient to provide adequate support for the Medical Center's operations in the complex, and at no cost to the Medical Center for as long as it owns the sports medicine complex. WKU is responsible for Maintenance and Operation expenses associated with the space dedicated to the WKU Doctor of Physical Therapy program and its Training and Sports Programs. The Maintenance and Operation budget costs for baseball will be transferred to the new building. The Medical Center will assume responsibility for Maintenance and Operation expenses associated with space dedicated to the Medical Center Health Care Programs, and also all maintenance, repair, and/or replacement of building systems, and structural capital renewal to the facility.
- Also, WKU will relocate the Doctor of Physical Therapy from the Health Sciences Complex of the Medical Center to the new facility. WKU will continue responsibilities for the space it occupies in the Health Sciences Complex. WKU will sublease to the University of Kentucky for the College of Medicine. The sublease rent will be used to meet WKU's obligations under the Health Sciences Complex lease. If the University of Kentucky discontinues its lease, WKU remains obligated for payment of rent as provided in the Health Sciences Complex lease and for rent of space in the new building.
- WKU gets the benefit of TIF financing regarding the space sublet to UK. The Medical Center Orthopedics will serve as the exclusive team physicians for WKU's sports programs. The Medical Center Orthopedics will assume responsibilities related to football at the end of the 2016-2017 season and all other sports, thirty days from execution of agreement, or sooner at WKU's request. The Preston Center will have scheduling responsibilities. The Letter of Intent expires on October 30, 2016, or another date as agreed upon by parties involved.

- Regent Burch has been asked a number of questions as to whether the Board of Regents looked at and talked about the details and terms. Discussions were ongoing and occurred through the closed sessions up until the Board of Regents meeting on August 19. Points of discussion included: the lease details and term; branding; perceived risks; medical services provider implications as “official health care provider; the on-campus health center contract with Graves Gilbert; parking issues on campus becoming exacerbated; implications of exclusivity; community concerns; cost effectiveness of health care; the priority regarding this building (for whom); the real costs to WKU; sufficiency of information available; lack of inclusion/transparency on campus and in the community; timing and the process concerns – shared governance – ongoing partnerships and long-term relationships; concerns over disruption, trust with partnerships, and decades of relationships in the community; transitions – presidential search; a gift that is not a gift; elements of the business deal; policy matters /considerations presented with the recent UK situation of selling branding rights on campus and the private sector access trend as a source of income – “the private sector is willing to invest serious money to gain access to business that marketing and access in a campus community provides.” (What are the implications regarding “preserving institutional autonomy” in terms of giving marketing and access to our campus?).
- Regent Burch said she has heard from many people, both on and off campus, who have comments. The Board voted to move forward and authorized the President to negotiate the lease. There are many unknowns and attentiveness and vigilance in implementation is important. Many concerns were discussed by the Board including community impact on partnerships; collaboration; support; and fundraising; seeking of assurances over retaining the health provider options (affordability, accessibility, and convenience, as well as having choices) that support the needs and desires of the campus community. For faculty, staff, and students, it was emphasized that there is a need for a commitment to keeping out-of-pocket expenses from increasing, as well as assurance that the provider choices of employees remain in-network. Other concerns include branding implications; other costs that are to be determined; the presidential search and the priorities of the next president; the University of Kentucky’s immediate vs. long-term plan, and retaining reasonable and independence of choice regarding partnerships and health care providers.
- Strong opinions were presented among the Board of Regents members. The procedure was somewhat different but was consistent with Robert’s Rules. The Chair of the Board of Regents knew where everyone stood and wanted to make sure everyone had a chance to speak. There was much intense discussion, both prior to and during the meeting.
- It will be important for both the Benefits Committee and the Budget Committee members to be attentive to the implementation of this Agreement, and to be forthright with concerns as to what you believe is important to you and in protecting your health care options.
- The Faculty Regent, the Staff Regent, the Student Regent, and Regent John Ridley voted “no.” Regent Dr. Phillip Bale abstained from voting due to a conflict of interest but spoke strongly and vocally against the proposal. Regents Johnson, Porter, Harris, Chair



Higdon, and newly appointed Regents Julie Henson and Jason McKinney voted for it. There had to be six votes of ‘yes’ in order for the resolution to pass.

- The transcription of the Board of Regents meeting will be on the BOR website.
- Aaron Wichman asked if there is a penalty if the Medical Center is not financially able to do this. Regent Burch responded that they did look at data but did not look to see whether or not the Medical Center could afford it. The contract does indicate that there could be a subsidiary in place with the approval of WKU or they could gift it to WKU.
- Regent Burch said she did speak publicly of the lack of transparency and is hopeful that this controversy will help the Board of Regents to understand.
- Audrey Anton asked if the two board members were among those who voted. Regent Burch responded yes, they were a part of this decision. Audrey Anton asked if the new board members underwent training prior to the vote. Regent Burch said she does not know. Audrey Anton stated that this might be worth investigating.
- Gary Houchins asked for clarification of the search committee on how open meetings affect candidate recruitment. Regent Burch responded that there are six because of one person. All of the meetings were open except for the closed meetings with the search firm because the terms of contract were being discussed. The interviews of personnel will be closed.
- Jerry Daday asked if they Board of Regents was presented with the Medical Center Contract prior to August 17. He asked if the new Board Members had knowledge of it. Regent Burch said that the letter of intent was around July 19 or 22; it was seen four weeks before the vote. There was discussion in an effort to discuss concerns; the President got revisions twice and brought them back to the Board. Discussions took place up until that meeting. The new members received records once they were appointed. Jerry Daday commented that the “smells really bad.”
- Mac McKerral asked if the meetings of the search committee are being announced as per state statute? Regent Burch said she does not know. This requires that they be announced in advance but she is not sure. Mac McKerral suggested a resolution. Jay Todd Richey said that the meeting dates are not on the website. Regent Burch said that the question of quorum was brought up. Marko Dumančić stated that this deal is reminiscent of the Confucius Institute and said that he is concerned that if the presidential search is in the hands of the Board of Regents that it might end up the same way.

## **2. Provost – David Lee**

- Provost Lee said that the Fall 2016 term has been troubling in terms of deeply troubling racial incidents that have impacted faculty, staff, and students. These events are reflective of a deeply troubling national conversation. Provost Lee said that he wishes he could say or do something to stop this behavior on our campus. The Chief Diversity

Officer is in the process of conversation on how we as a community can identify issues and address them. Provost Lee said that he is sorry that these events happened.

- Provost Lee is trying to move along the search processes and he is in the process of getting Phase 1 staffing started. Phase 2 staffing was lost last year, and Provost Lee is not sure what will happen with Phase 2 this year. He is still working to address the Dean of Libraries, the Dean of the Graduate School, and the Provost of Research and Creative Activity.
- University enrollment for this fall continues to be an interesting thing to watch. We are down 150 from last year. The thirty to sixty hour students are down. We are OK with first-time full-time students and with juniors and seniors. Many of those transitioning to upper level are falling by the wayside. Non-degree-seeking undergraduates are also down. Graduate students are sagging a little, but it looks good right now.
- Provost Lee is hoping to help with equipment funding like he did last year.

### **3. SGA President – Jay Todd Richey**

- Student Government Association Jay Todd Richey greeted the faculty and announced that he is back for a second term and since he no longer has a night class on Thursday nights, he anticipates being present to speak at University Senate meetings again and is honored to do so. He then recognized the three SGA members that will be a part of this body for the academic year: Kate Hart (Executive Vice President), Hannah Neeper (Assistant to the Vice President), and James Line (Chief of Staff). Richey said he is proud to say that he is “more ready now than ever to find ways faculty and students can work together and develop new ideas for WKU” and can’t wait to serve one more year on the Board and on the Presidential Search Committee with Dr. Burch.
- The next meeting of the Board of Regents is next Friday (September 23) and the Presidential Search Committee meets the following Friday (September 30).
- Jay Todd Richey said that in light of the conversations today, he understands that major questions are going to arise from all constituencies on campus throughout the entire process of us selecting the next president of our university. He added “I cannot express enough how fortunate you all are to have Dr. Burch on both the Board and the Search Committee. Every single time we meet, she brings your concerns to the table without question. Personally, she’s been invaluable in my own leadership development, and I just wanted you all to know that you all have very strong Board and Presidential Search Committee representation. I know she wishes just as much as myself that we could share every bit of information discussed at Board and Search Committee meetings with you all, but we have to uphold confidentiality. And I think the questions have been excellent and very appropriate. So, to reiterate, I look forward to working with her for one more year on behalf of both students and faculty.”

- Jay Todd Richey then summarized some developments over the summer and some major initiatives SGA will be spearheading this year. First and foremost, he urged faculty to please see his letter on the Medical Center vote. Some of his concerns include WKU being used as a pawn in a perennial game; maintenance and operations costs; no consultation with faculty, staff, and students; the Graves Gilber Contract will be terminated; and this creates a toxic environment for the next president.
- SGA Initiative #1. Earn-A-Computer Program - This is a new initiative that is a partnership with WKU Resource Conservation, WKU IT, and WKU SGA to reward students who are engaged in community service with a tool for collegiate success: a refurbished Mac computer. As of now, students who complete 35 hours of community service within the semester will be eligible to receive a refurbished Mac computer. SGA will have approximately 20 computers (desktops and laptops combined) each semester, and students will get to keep them permanently once they have been awarded.
- SGA Initiative #2. New SGA Scholarships for Students with Disabilities - SGA wanted to take a clear stand to help students who face unique academic challenges and assist them with the rising cost of college, so SGA created two \$500 scholarships solely for students with disabilities. The disabilities this encompasses are defined under the Americans with Disabilities Act (ADA). Students will be able to apply later this semester.
- SGA Initiative #3. Voter Empowerment – SGA will spend a considerable amount of time focusing on registering students to vote before the deadline as well as ensuring ease of access to the ballot to make sure they can participate. James Line is leading this effort, and he is one of the voting members of this body.
- SGA Initiative #4. Student Legal Services - One of the first bills that Jay Todd Richey authored this year is for WKU SGA to officially partner with Student Legal Services to ensure that students have access to free legal counsel. This partnership means that SGA will pledge \$2,500/year to SLS to help finance their malpractice insurance costs. The goal is to expand this invaluable resource and ensure students do not have to pay exorbitant fees for legal counsel.
- These are just a few of the initiatives SGA will be focusing on this year, and the SGA hopes that they can work with the faculty to make sure students know about these initiatives and ensure they are successful.

## **D. Committee Reports and Recommendations**

### **1. Graduate Council: Shannon Vaughan (Report posted; Endorsed by SEC)**

- a. [May 2016 Grad Council Agenda](#)

b. Shannon Vaughan had to leave early. Patricia Minter made a motion for approval of the May 2016 Graduate Council Agenda Report. Marko Dumančić seconded the motion. There was no discussion. The May 2016 Graduate Council agenda report passed unanimously as posted.

**2. Undergraduate Curriculum Committee: Liz Sturgeon**

No report.

**3. Colonnade General Education Committee: Marko Dumančić**

No report.

**4. Academic Quality:**

No report.

**5. Budget and Finance Committee:**

No report.

**6. Faculty Welfare and Professional Responsibility: Patti Minter (Report posted; Endorsed by SEC)**

a. [Faculty Worklife Survey 2015-16](#)

b. Patricia Minter presented the Faculty Worklife Survey for the 2015-2016 on today's agenda; it is also posted on the Senate website. Meetings have been held with President Ransdell and with Provost Lee; both meetings were productive. Issues mentioned on the survey will be dealt with this year.

c. Patricia Minter said that after the meeting with three of the Title IX Officers, none of the suggestions in the report have been implemented as of today. The Faculty Welfare Committee will discuss steps going forward in their meeting tomorrow. The suggestions that were not followed are included in the Title IX report – please read them. Patricia Minter added that she wants to live in a safe culture.

**D. Old Business**

**E. New Business**

1. [Policy 1.1012, Consensual Relations Between Faculty and Students](#)

a. A motion to endorse Policy 1.1012 Consensual Relations Between Faculty and Students was made by Lauren McClain. The motion was seconded by Marko Dumančić.

- b. Patricia Minter gave the context; it was passed out of Faculty Welfare after significant discussion. Benchmarks were compared. It is a good policy to move forward to respect basic disparities in power relationships.
- c. Mac McKerral asked if we are just voting on this? Patricia Minter responded, “yes.” Mac McKerral said that under Section 1 Purpose and Scope, lines 3 to 5, he is troubled by the wording “professor... voluntary by student suspect.” He said he feels it is punitive toward the student and asked if it can be worded differently. Chair Hudepohl asked if he wanted different language. It means voluntary consent by the student could be questioned. Patricia Minter clarified that this is part of the existing policy. We can amend the existing language, but the changes to the existing policy are highlighted in yellow. Chair Hudepohl said that the motion at the Senate Executive Committee that came forward was to refer this back to the Faculty Welfare Committee to examine the policy. Maybe this can be incorporated into that discussion.
- d. Vice Chair Shadoan said that she wanted to make sure it was still on the radar of the Faculty Welfare Committee to look at this policy again and reexamine it. Chair Hudepohl said that approving it today will put the existing policy with the new yellow changes. It will still go back to Faculty Welfare.
- e. Jim Berger asked a procedural question regarding the language as a friendly amendment. Are we still voting on this? Does the friendly amendment from May still stand? He then read the section of the May minutes that has the friendly amendment; it is under section E (New Business), beginning with the third bullet. Here is the section in question, beginning with the third bullet from the May 2016 minutes:
- *Aaron Wichman proposed an amendment to the last paragraph. He feels there is wiggle room in “immediately.” He proposed the wording “disclose the consensual relationship to his/her immediate supervisor before any additional evaluation, advising, grading, or supervision takes place.”*
  - *Provost Lee said he would like the group’s feedback. If the group wants, he can accept it as a friendly amendment.*
  - *Aaron Wichman made a motion to add the amendment. The motion was seconded by Dick Taylor.*
  - *Chair Hudepohl clarified that the motion on the floor is to revise the last paragraph on page one. This is a secondary motion within an existing motion, so there is no discussion.*
  - *The immediate vote to revise the last paragraph on page one passed with a vote of 21 yes and 10 no.*
  - *Dick Taylor asked if we had quorum. Chair Hudepohl said “no.”*
  - *The meeting stopped at New Business – we did not cover #1, 2, or 3 under new business due to a loss in quorum. Dick Taylor called quorum at 5:40. Vice Chair Shadoan confirmed that there were 34 senators counted and we have to have 39.*
  - *Policy 1.1012 Consensual Relations Between Faculty and Students is not going forward due to a loss of quorum that was confirmed by both Chair Hudepohl and Vice Chair Shadoan.*

- f. Vice Chair Shadoan clarified that we are voting to approve Policy 1.1012 Consensual Relations Between Faculty and Students in amended form; this is the revised friendly amendment.
- g. Someone then asked if it then makes the second and third paragraph inconsistent. He read the second paragraph, followed by the third paragraph. The way it read prior to the amendment, it said to “make arrangements to end.” Yvonne Petkus asked if the word “immediately” can be removed, saying that this preserves the spirit of wiggle room on when it can be disclosed. Aaron Wichman added that the policy as it reads cannot be followed.
- h. Yvonne Petkus made a motion to retract the friendly amendment from the May minutes and to remove the word “immediately.” The motion was seconded by Mac McKerral.
- i. The motion passed with one opposed and three voters abstaining.
- j. Jim Berger then asked to clarify which “immediately” was being removed because there are several. Chair Hudepohl responded that it was the section that we were discussing. Aaron Wichman stated that he is concerned that it weakens the policy and this is why he abstained from voting on Petkus’s friendly amendment.
- k. Policy 1.1012 passed unanimously with Yvonne Petkus’s friendly amendment.

2. [Policy 1.1112 Faculty Credentials](#)

- a. A motion by Marko Dumančić to endorse Policy 1.1112 Faculty Credentials was seconded by Marilyn Gardner.
- b. There was no discussion.
- c. Policy 1.1112 Faculty Credentials passed unanimously.

3. [Policy 1.2190 Tuition Waiver Program for Part-time Faculty](#)

- a. A motion by Marko Dumančić to endorse Policy 1.2190 Tuition Waiver Program for Part-Time faculty was seconded by Dick Taylor.
- b. Provost Lee provided the context; this document is already on the website and it recasts it as a formal policy.
- c. There was no discussion.
- d. Policy 1.2190 Tuition Waiver Program for Part-Time Faculty passed unanimously.

4. [Policy 1.2250, 4.2250 Guidelines on J-1 Visiting Scholars](#)

- a. [Draft of new policy showing changes from HR policy](#)
- b. A motion by Dick Taylor to endorse Policy 1.2250, 4.2250 Guidelines on J-1 Visiting Scholars was seconded by Jerry Daday.

- c. Provost Lee gave the context; this pertains to J-1 Visiting Scholars and reflects changes on how the process works on our campus and it is compliant with federal regulations. This happened in July and is already approved to be compliant with the law.
- d. Policy 1.2250, 4.2250 Guidelines on J-1 Visiting Scholars passed unanimously.

5. [Motion to add language about sexual orientation/gender identity to WKU nondiscrimination policy \(endorsed by SEC\)](#)

- a. [Motion regarding Policy 1.3002 from May 2016 University Senate](#)
- b. [Policy 0.2040](#)
- c. [E-mail correspondence](#)

d. The zero point policy posted is from April 2015. It was endorsed by Past-Provost Emslie and President Ransdell. At some point, the zero point policy overrode Policy 1.3002. At the August 2016 meeting, the Senate Executive Committee made a motion to make the changes. Here is the section from the August 2016 minutes that pertains to this:

*August 2016 Senate Executive Committee Minutes: Section I. New Business from the Floor*

1. *Patricia Minter brought new business to the floor. She said that it is "old business coming back around" and passed out a handout for members of the SEC to review. She said that in Spring 2015, the University Senate brought this forward to amend the statement on equal treatment of students. It was amended at the meeting to include "sexual orientation and gender identity." It was approved by the Senate, by Provost Emslie, and by the President. Then it was posted on the website. The Campus Pride Committee recently discovered that this was no longer posted. Patricia Minter thanked Amber Scott Belt for her 36 pages of background. The policy went up. Deborah Wilkins held that it is in conflict with another policy that has a zero on it. The zero policy supersedes it and voids it. The Campus Pride Committee was unhappy and decided to send it back to Senate to once again approve a more inclusive definition of gender identity. Amber Scott Belt said that the university policy supersedes it; it was an error on behalf of Academic Affairs that they failed to take it off the website. Academic Council cannot act on this because the zero policy nulls it. Patricia Minter said that amending the zero policy on the spot could have fixed this; or it could have been communicated back to the body. It would be a modified policy to the zero policy, and would ask that the zero policy be amended to reflect this change. She said it might need to take the form of a resolution. Policy 1.3002 was removed because that policy is superseded by the zero policy. Patricia Minter added that this falls under Title IX compliance. Policy 0.2040 deals with Discrimination and Harassment. Patricia Minter is asking that the University Senate once again approve the Policy 1.3002 and amend the Policy 0.2040. The motion is for President Ransdell to amend Policy 0.2040 Discrimination and Harassment to allow the incorporation of the Senate Policy 1.3002 as approved in May 2015 by the University Senate, going through as a reference point for all members of the university campus "gender identity expression". Molly Kerby asked if we need to pass it again. Amber Scott Belt said "no" because the zero policy will make it compliant. Liz Sturgeon made a motion for this new business to go forward to the University Senate to request that President Ransdell amend Policy 0.2040 to incorporate the language in Policy 1.3002. The motion was seconded by Patricia Minter. The motion passed unanimously. It will go forward to Senate. Patricia Minter said she will work on a one-page summary to get the Senate up to speed.*

e. This is asking President Ransdell to change “to ensure that age, sex, race, religion, ethnicity, color, veteran status, gender, identity expression” to be comprehensive with the change of times.

f. Dick Taylor made a motion to endorse the Senate Executive Committee’s motion on August 31, 2016 regarding Policy 1.3002/0.2040. The motion was seconded by Patricia Minter.

g. Marilyn Gardner said that she was confused by why it was still not there, because some of this occurred when Margaret Crowder was Chair, and also when Kelly Madole was the Chair of Faculty Welfare. Patricia Minter said the Senate unanimously passed this in 2015 to be reflective of Title VII Civil Rights Act of 1964. After it was approved by President Ransdell, we thought it was good to go. It requires action of the zero policy by the Administrative Counsel.

h. At 5:47, Dick Taylor asked if there was still quorum. Vice Chair Shadoan and Regent Richey counted the Senators who were still present; there were 36 present at the time of quorum being called. The official call for quorum meant that the meeting was over. The meeting ended at 5:47 PM without a vote to endorse the Senate Executive Committee’s motion on August 31, 2016 regarding Policy 1.3002/0.2040.

## **F. Information items**

1. [Link to Board of Regents Meeting Podcast, August 19, 2016 \(Special Called Meeting\)](#)
2. [President Ransdell Response to Motion and Resolutions](#)
  - a. [Motion Regarding BOR Policies](#)
  - b. [Budget and Finance Committee Resolution - Prioritizing Wage Increase](#)
  - c. [Budget and Finance Committee Resolution - Restricting Building Projects](#)
3. [IM Scoping Invitation](#)
4. [SEC Synthesis of Faculty Comments Solicited/Compiled Spring 2016](#)

## **G. Motion to Adjourn**

1. At 5:47, Dick Taylor asked if there was still quorum.
2. Vice Chair Shadoan and Regent Richey counted the Senators who were still present; there were 36 present at the time of quorum being called.
3. The official call for quorum meant that the meeting was over.
4. The meeting ended abruptly at 5:47 PM with unfinished business.



Respectfully Submitted,  
Heidi Álvarez, Secretary