

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL  
10 ADMINISTRATION BUILDING

2 April 1993

TO: Members, University Senate

The University Senate will meet in regular session on Monday, April 12, 1993, at 3:00PM in room 115 of the Nursing Building (CON/HSLC).

AGENDA:

1. Minutes: 8 March 1993
2. Chair's Announcements
3. Resolutions
4. Action Items
  - a. Proposal to amend College of Law rules on Readmission. (Circulated under date of 2 April 1993.)
  - b. Proposal to establish separate College of Law rules on withdrawal by students. (Circulated under date of 1 April 1993.)
  - c. Proposal to add to University Senate Rules, Section V - 5.1.2.1 College of Law, the University Marking System and courses taken on a Pass/Fail basis. (Circulated under date of 31 March 1993.)
  - d. Proposal to limit number of Pass/Fail Units creditable for College of Law students (circulated under date of 30 March 1993).

Randall Dahl  
Secretary

6107C

MINUTES OF THE UNIVERSITY SENATE, APRIL 12, 1993

The University Senate met in regular session at 3:00 p.m., Monday, April 12, 1993, in Room 115 of the Nursing Health Sciences Building.

John J. Piecoro, Jr., Chairperson of the Senate Council, presided.

Members absent were: Virginia Atwood, Robert S. Baker\*, John R. Ballentine\*, Mark C. Berger, John J. Bernardo, Glenn C. Blomquist, Thomas O. Blues\*, Douglas A. Boyd, Carolyn S. Bratt, Joseph T. Burch, D. Allan Butterfield\*, Laretta Byars, Rutheford B Campbell, Jr., Clyde R. Carpenter, Ben W. Carr, Chris Carrico, Edward A. Carter, Shea Chaney, Donald B. Clapp, Charlie Clark, Jordan L. Cohen, Georgia C. Collins\*, Audrey L. Companion, Sarah Coursey, Clifford J. Cremers\*, Paul deMesquita, David Denton, David S. Durant, Jr.\*, Richard Edwards, Joseph L. Fink III, Donald T. Frazier\*, Michael B. Freeman, Richard W. Furst, Joseph H. Gardner\*, Stuart Gay, Todd A. Griffin, Robert D. Guthrie, Lynne A. Hall, J. John Harris III, Zafar S. Hasan\*, Christine Havice, Robert E. Hemenway, James Hertog, Donald L. Hochstrasser, Don A. Howard\*, Richard A. Jensen, Richard I. Kermode\*, Kevin S. Kiernan\*, James Knoblett, Kenneth K. Kubota, James M. Kuder\*, Carl W. Lee, Thomas W. Lester, C. Oran Little, William E. Lyons, Linda J. Magid\*, Justin Marriott, Marcus T. McEllistrem, Pamela McMahon, Richard S. Milich\*, Sandra Miller, Karen A. Mingst, William G. Moody\*, James S. Mosbey, Anthony L. Newberry, Robert C. Noble, Pete November, Clayton P. Omgig, Barbara Phillips, Clyde D. Poe\*, Rhoda-Gale Pollack, Leigh Ann Poynter, Daniel R. Reedy, Thomas C. Robinson, Tracy Rogers, Ellen B. Rosenman\*, Minni Saluja, Arturo A. Sandoval, David Sanford, Michael C. Shannon, Candi Smith, Crystal Smith, Thomas Stipanowich, David H. Stockham, Louis J. Swift, Michael G. Tearney\*, Phillip A. Tibbs, Mirosław Truszczynski, Charles T. Wethington\*, Carolyn A. Williams\*, Eugene R. Williams, Emery A. Wilson.

The Chair called the last scheduled meeting of the Senate to order.

The Chair stated the minutes for the March 8, 1993 meeting were in press and would be available soon.

The Chair made the following announcements:

The first announcement was the possibility of one more Senate Meeting during this semester. The meeting would be held on April 26, 1993, at 3:00 p.m. in Room 115 of the Health Science Learning Center. The purpose of the meeting would be that the Academic Organization and Structure Committee is reviewing two proposals for reorganization. If that Committee can conclude their work soon enough on the proposals to make a recommendation, there will then be a meeting on April 26th. There will be an agenda put forth for the meeting.

**Reorganization Proposals** - The Academic Organization and Structure Committee is reviewing two proposals. One is to merge the Colleges of Communications and

\* Absence Explained

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Library and Information Science. The committee has indicated that they cannot recommend the proposal in its present form and had requested more information and elaboration on the proposal. The other proposal is to merge the Department of Telecommunications and the School of Journalism in the College of Communications. The committee is in the process of reviewing that proposal. The committee will try to expedite the process so they may be able to act on the proposal this semester.

**Election of Faculty Board of Trustees Member - Professor Loys Mather from Agriculture Economics was elected as the newest faculty member on the Board of Trustees. The history of the balloting follows. On the nominating ballot, the following eight faculty members received the highest number of votes (weighted as specified in the rules):**

James L. Applegate (103 votes)	Loys L. Mather (320 votes)
Daniel L. Fulks (12 votes)	John J. Piecoro, Jr. (12 votes)
Robert D. Guthrie (12 votes)	Keith K. Schillo (52 votes)
William E. Lyons (401 votes)	A. Byron Young (34 votes)

On subsequent election ballots, the following votes were recorded.

	<u>First Ballot</u>	<u>Second Ballot*</u>	<u>Final Ballot**</u>
James L. Applegate	104	104	-
Daniel L. Fulks	30	-	-
Robert D. Guthrie	18	-	-
William E. Lyons	248	301	358
Loys L. Mather	243	360	407
John J. Piecoro, Jr.	31	-	-
Keith K. Schillo	45	-	-
A. Byron Young	72	-	-
TOTAL	<u>791</u>	<u>765</u>	<u>765</u>

Professor Mather will replace Professor Carolyn Bratt on July 1, 1993. At the first Senate Meeting of the Fall 1993 Semester there will be some formal remarks about Professor Bratt's tenure on the Board of Trustees. The Chair asked the Senate to join him in congratulating Professor Mather on his election. The Senate gave Professor Mather a round of applause.

There will be a discussion item later in this meeting led by Professor Deborah Powell on the implications and various impacts of the most recent budget cuts.

**University Research Professorships** - Last week at the Board of Trustees meeting, the Board approved the naming of three professors as University Research Professors. Professor Dwight Billings of the Department of Sociology, Professor Moshe Elitzer of the Department of Physics and Astronomy, and Professor Joseph A. Kuc of the Department of Plant Pathology. Research Professors were first named in March 1977 and the Chair is pleased to indicate that the establishment of Research Professors came out of a recommendation from the Senate Research Committee. The Senate made a recommendation to the President in 1976. There have been Research Professorships since 1977.

President Charles Wethington commissioned the Institute for Research and Higher and Adult Education of the University of Maryland to examine the senior level

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organization structure of the University with a focus on improving efficiency in carrying out both University wide and sector functions. The consultants, Professor Robert Berdahl, Director of the Institute and Professor of Higher Education at Maryland, and Harold Enarson, former President of Ohio State University and now a Senior Consultant to the Western Interstate Commission on Higher Education, have already begun to conduct the study. They have done this by reviewing pertinent information and reports and interviewing with administrators, faculty, and student leaders knowledgeable about the central issues. The consultants were here about two weeks ago and hopefully will conclude their process by the end of June.

Kentucky Open Records Law - Last month the Senate confirmed the Senate Council's resolution to the Commonwealth Attorney General regarding interpretation of the Open Records Law. A letter of reaffirmation was sent to the Attorney General and as of this morning a ruling has not been rendered. The Senate Council also sent another resolution to the President requesting that University policy be established to inform faculty members when third parties request access to faculty personnel files. The Chair would like to read part of the President's response to the request.

Within the provisions of the Kentucky Open Records Law, I share your interest in the protection of the privacy of University faculty. When the Open Records Law does require the release of information in faculty personnel files to third parties, the University must respond to the request as soon as the records can be made available but in no more than three working days unless the records can't be located within that period. In the context of the very tight response requirements of the law we will ask the relevant college to notify the faculty member when information from his or her personal file has been requested. We will provide the faculty member with a copy of the official University response to the request. If the faculty member wishes to approve the release of information not required by the law, he or she may forward a written request to the college authorizing the release of the information.

Sincerely,

Charles T. Wethington

If anyone (third party) inquires about a faculty member's personnel records, the University will inform the faculty member about that.

There is an update on the admission of freshman for the Fall of 1993. Last month at the Senate meeting, Chancellor Hemenway reported on freshman statistics for this year and at the end of his presentation presented some information regarding 1993 freshmen. Since then Joseph Fink, Director of Admissions, has issued updated figures as of the end of March 1993. Applications are up 12.7% above 1992, admissions are up 8%, in-state applications are up 10%, out-of-state applications are up 16.6%, in-state admissions are up 5.3%, and out-of-state admissions are up 12.3%. With regard to African American applicants, applications are up 44.4% over last year and admissions up 52.5%. There is also some information about confirmed students. A confirmed student is an incoming freshman who has returned his or her blue confirmation card. The receipt of this card indicates an intent to attend the students assigned advising conference for fall

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registration. Confirmations are up 9.4% over 1992, in-state confirmations are up 5%, out-of-state 21%, and African American confirmations nearly 100%. A lot of this can be attributed to our recent ranking published several months ago.

Professor Dan Fulks has asked that an announcement be made about a breakfast meeting in which the Senate Council is hosting representatives from the deans offices. The meeting will be held on April 30, 1993. The Council is requesting those individuals from the deans offices who are involved with academic affairs to meet with the Senate Council to discuss and identify academic issues that cut across colleges, so that pertinent issues may be taken to the Senate for action. This is a group that met regularly several years ago.

The Chair, since this is his last scheduled meeting as the presiding officer of the Senate before the reins are turned over to Professor Dan Fulks, would like to take the opportunity to thank those people who played such a vital role in the work of the Senate. He would like to personally thank all the members of the Senate Council. This group has put in an enormous amount of time, voluntary work, that makes it possible for the Senate body to accomplish its business through that smaller group, the Council. He then thanked each of the senators for accepting the responsibility and for their devotion to the work of the Senate. Thanks were expressed to Randall Dahl and Susan Caldwell for accurately and efficiently providing the minutes for all of the Senate meetings and deliberations. Thanks to Gifford Blyton, who is the Parliamentarian and an emeritus faculty member. He graciously gives up his time to be here and keeps us on the up and up, following the rules of order in conducting our business. I would like to personally thank him. Thanks also to Joanne Davis and Jacquie Hager who function as Sargeants at Arms in an exemplary fashion. I would like to thank the administrative officers of the University; the President, Vice-President, Chancellors, Vice Chancellors, and the Deans for the splendid cooperation that they have provided me and members of the Council whenever anything was requested from them. Lastly I would like to thank someone whose efforts are greatly responsible for the business of the Senate and the Senate Council and that is Celinda Todd. She provides both the continuity and the institutional memory that is essential to the effective and efficient operation of the Senate. I don't think I could have done as good of a job if it weren't for her efforts and all of yours. Would you join me in applauding yourselves and all of those individuals. Thank you very much.

Professor Jesse Weil (Physics) stated that when Vice-President Magid announced that there would only be two research professorships this year as opposed to the four that had been established for many years, a number of people told her they thought the cutting back from four to two was a bad idea. He is now inquiring if three professorships is a move back in policy from the announced two or is it a one time situation. The Chair said he did not know, but would try to get an answer for him.

The Chair announced that everyone may not have received each of the agenda items relative to the four action items prior to the ten day notice. He asked that the ten day rule be waived.

The Chair recognized Professor Dan Fulks, Chair elect of the Senate Council to present the first action item. Professor Fulks stated there were four action items all relative to the College of Law and there were representatives there from the College to help out with any clarifications. Professor Fulks referred to Action

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Item A which was circulated under the date of 2 April 1993. He stated that the proposal concerned readmission to the College of Law and essentially would clarify and make more specific what the College means by material progress toward raising cumulative GPA. The current rule states in order to be readmitted after the end of the second semester the student must either raise their cumulative GPA to a 2.0 or make material progress toward having done that. Material progress is defined as having at least a minimum of 2.0 GPA for that semester. This proposal comes from the Senate Council with recommendation for approval.

The question was called. The proposal passed with a unanimous voice vote and reads as follows:

AGENDA ITEM: Proposal to amend College of Law rules on Readmission

Proposal: [add underlined portion; delete material in brackets]

V.3.3.1. b. Readmission

Any student dropped for poor scholarship may petition the Law Faculty Academic Status Committee for readmission. A recommendation to the Dean for readmission is within the discretion of the Committee; however, in most cases, the following policies will guide the Committee: a student dropped after the first semester will be required to petition the full Faculty for readmission; in the case of students dropped at the end of the second semester, a student with a cumulative grade average of 1.9 and above will normally be readmitted, a student with a cumulative average of 1.7 to 1.89 may be readmitted but will be carefully scrutinized, and a student with a cumulative average below 1.7 will normally not be readmitted; any student dropped at the end of the third semester or thereafter will be subject to case-by-case analysis.

Any student who is readmitted after being dropped at the end of the second semester and who fails to raise his or her cumulative grade point average to 2.0 by the end of the third semester will be readmitted again at that time only if he or she has made ~~substantial~~ material progress toward raising his or her cumulative grade point average to 2.0. Material progress at a minimum shall mean obtaining a 2.0 GPA for the semester. Moreover, such student must raise his or her cumulative average to 2.0 by the end of the fourth semester. In addition to the foregoing academic standards for readmission, the Committee may impose additional academic standards in individual cases, and in any case may impose other reasonable conditions of readmission including, but not limited to, limitation of outside work, specification of schedule of study (including specification of particular courses and limitation of hours), and the limitation of extracurricular activities. The Committee with the approval of the full law faculty may also require the repetition of courses either with or without substitution of

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the grades awarded in the courses retaken. Failure to comply with the requirements and conditions of readmission will result in the student being dropped again from the College, [~~a/second/time~~] in which case he or she will not be readmitted without approval of the University Senate Council upon the recommendation of the Dean following action by the full Law Faculty. Any student aggrieved at any time by recommendation of the Academic Status Committee may petition the full Law Faculty for review. (US: 12/4/89)

For purposes of the above rules, a student who is required by the Academic Status Committee to repeat fourteen (14) or more hours of the freshman curriculum in his or her third and fourth semester will be considered as enrolled in his or her first and second semesters.

A student who has once been dropped for poor scholarship and who fails to have a 2.0 cumulative average at the end of the semester or summer session in which he or she completes the 90th hour of course work will not be allowed to graduate from the College of Law. Such student will not be allowed to enroll in additional hours of course work in an attempt to achieve a 2.0 cumulative average. (US:11/8/76)

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Rationale: The basic purpose of the proposal is to clarify the existing rule.

Implementation Date: Fall Semester, 1993

Professor Fulks then introduced Action Item B, dated 1 April 1993. The proposal concerns withdrawal from the College of Law and for readmission thereafter. He stated there were several individual points on this circulation. Section A, General Policy, is actually general expectation and that is, all students enrolled in the college are expected to complete the requirements without interruption other than the normal vacation periods. Section B Item 1, sets the procedures for students who wish to withdraw from the College or University during the end of the first year of law study. Readmission is not automatic. It then sets the procedures by which the student would go about petitioning for readmission. Item 2 in similar fashion is for students who withdrawal after the first year. It sets the procedures for the withdrawal process and also refers to Section D for the procedure for readmission. Section C sets the procedures for withdrawal for individual courses or seminars. To withdraw from a course or seminar within the first half of a semester or summer session, the student must submit a completed course withdrawal card to the Dean's designate. The student may withdraw from a course or seminar during the last half of a semester or summer session only on petition certifying reasons relating to illness or equivalent distress. This petition must be approved by both the instructor and the Dean's designate. Section D sets the procedures for readmission after what is termed a leave of absence. This proposal comes from the Senate Council, if approved it would have to be codified by the Rules Committee. The Senate Council recommends approval of this proposal.

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The Chair stated since the proposal came from the Senate Council it required no second. There was no discussion. The question was called and in a voice vote the proposal unanimously passed. The proposal reads as follows:

AGENDA ITEM: Proposal to establish separate College of Law rules on Withdrawal by Students.

**Proposal:**

**A. General Policy**

All students enrolled in the College of Law are expected to complete their degree requirements without interruption other than for regularly scheduled vacation periods. It is expected that students will complete all courses or seminars in which they are enrolled. The following rules govern the situations where exceptions to this policy are necessary.

**B. Withdrawal From the College and University**

1. First-year students are expected to complete their first year of law study without interruption. If a student withdraws from the College and University during his or her first year of law study, readmission is not automatic. If a student withdraws during the first semester of law study, applications for readmission will be referred to the Admissions Committee; if a first-year student withdraws during the second semester, applications for readmission will be referred to the Academic Status Committee; provided that in either of the above withdrawal situations, the Dean's designate may grant a special leave of absence for the balance of the academic year for reasons relating to extended illness or equivalent distress.

2. After completion of all required first-year courses, a student who withdraws from the College of Law and the University is subject to the rules stated herein regarding readmission after a leave of absence and grades for students who withdraw. To officially withdraw from the College of Law, a student must report to the University Registrar's Office to obtain a withdrawal card; this card must be signed by the Dean of the College of Law or the Dean's designate. If a student plans to complete a semester, but not reenroll for the subsequent semester, he or she must give the Dean's designate written notice of such intention.

**C. Withdrawal From Individual Courses or Seminars**

A second-year student, a third-year student, or a first-year student with special permission of the Dean's designate may withdraw from any course or seminar within the first half of a semester or summer session. To withdraw from a course or seminar within the first half of a semester or summer session, the student must submit a completed course withdrawal card to the Dean's designate. A student

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may withdraw from a course or seminar during the last half of a semester or summer session only on petition certifying reasons relating to extended illness or equivalent distress. This petition must be approved by the instructor and the Dean's designate.

D. Readmission After a Leave of Absence

1. If a student withdraws from the College and University or does not continue enrollment and has complied with paragraph B(2) of this rule, the student will routinely be readmitted to the College provided that the student is in good standing and the absence was not longer than two semesters plus one summer term. No student will be readmitted pursuant to this paragraph more than one time.

2. A student who intends to remain away from the College for more than 2 semesters plus one summer term must request permission for a Leave of Absence. These requests are not routinely granted and will be referred to the Academic Status Committee for recommendation to the Dean.

3. Readmission for students who are not entitled to readmission pursuant to paragraphs B, D(1), or D(2) of this rule is not automatic. Applications for such readmission will be referred to the Academic Status Committee for a recommendation to the Dean. The Academic Status Committee may consider all relevant facts and circumstances, including the length of time out of the College and reasons for the absence. The Committee and Dean will normally not approve readmission for any student who has been away from the College for six regular semesters. Reasonable conditions, including the repetition of courses for no credit, may be imposed if readmission is approved.

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Rationale: The College of Law wishes to establish a separate withdrawal policy for College of Law students. The policy was developed by the College and reviewed and revised by both the Admissions and Academic Standards Committee and the Senate Council. All three groups now recommend adoption of the proposed rules.

Implementation: Fall, 1993

If approved, this would have to be codified by the Rules Committee.

Professor Fulks stated the next two items would be out of order. Item D concerning Pass/Fail, circulated under 30 March 1993 date would be the next item for discussion. Currently, students can take up to 12 hours of credit on a Pass/Fail basis to be counted for graduation requirements. This represents about 13 percent of the total degree requirements which the College deems excessive. This proposal would reduce the number of Pass/Fail credits that would be counted toward graduation requirements. This proposal comes from the Senate Council and would have to be forwarded to the Rules Committee for codification. The Senate Council recommends approval.

The Chair stated the proposal came from the Senate Council and did not require a second. The floor was opened for discussion. There were no questions and the motion unanimously passed. The proposal reads as follows:

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AGENDA ITEM: Proposal to limit the number of Pass/Fail units creditable for College of Law students

**Proposal:**

- (a) No more than 6 hours of graduate courses outside of the law school, graded on a pass/fail basis, shall be counted.
- (b) No more than 6 hours of courses in the law school that are offered only on a pass/fail basis shall be counted.
- (c) No more than 9 of the total number of pass/fail credit hours, whether earned for graduate school courses under (a) or for law school courses offered only on a pass/fail basis under (b), shall be counted.
- (d) No more than one graduate school course outside the law school, graded on a pass/fail basis, may be credited in any one semester.

Students in joint degree programs may only take up to six pass/fail course credit hours in the law school courses and may take no courses outside the law school for credit toward the J.D. other than pursuant to the applicable joint degree program.

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**Background and Rationale:**

Currently, students can take up to 12 credit hours toward graduation on a Pass/Fail basis. This represents more than 13 percent of the credit hours required for graduation. The committee believes that this is excessive because, among other reasons, some students may enroll in Pass/Fail courses not for the intrinsic merit of the courses but to "protect" their GPAs. This strategy puts pressure on other students also to opt out of graded law school courses and into graduate school courses or multiple internship courses. Indeed, there is some evidence of a trend to enrollment in graduate school courses on a Pass/Fail basis. In the 1988-89 academic year, 11 students enrolled in a graduate school course (other than Philosophy of Law, which is cross-listed, but which counts against a student's 6 credit hours allowable in the graduate school). In the 1989-90 year, only one student enrolled in a graduate school course (other than Philosophy of Law). In 1990-91, 17 students enrolled in graduate school courses (other than Philosophy of Law). In the current year, however, 46 students enrolled in graduate school Pass/Fail courses (other than Philosophy of Law). (The actual number of students enrolled in graduate school courses is slightly less because 11 students have taken two graduate school courses this year; only one of those students took both courses in the same semester.) The Committee also has some concern that some students may be enrolling in graduate school courses in order to free large blocks of time for clerking for law firms. Almost every graduate school course in which law students have enrolled meets once a week at night. Although many graduate school courses meet several times a week during the day, there appears to be no interest in these courses.

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Under the proposed rule, students could enroll in one law school Pass/Fail course and two graduate school Pass/Fail courses or two law school Pass/Fail courses and one graduate school Pass/Fail course. Law Journal (but not the Journal of Mineral Law and Policy, which is graded) and Moot Court would continue to count against the allowable Pass/Fail credit hours.

The proposal has been reviewed by the Senate Committee on Admissions and Academic Standards and the University Senate Council and is recommended for approval.

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Implementation Date: Fall Semester, 1993

Note: If approved the proposal will be forwarded to the Rules Committee for codification.

Professor Fulks presented Action Item C which was dated 31 March 1993. This item relates also to Pass/Fail courses. This issue has been discussed at length by the Admissions and Academic Standards Committee at least twice and at least twice in the Senate Council also. They understand the problem and both the Committee and the Senate Council tried to reach a satisfactory resolution on this, to no avail. What the College is asking is that a student enrolled in a Pass/Fail course who for whatever reason fails the course, should suffer some academic consequences in their GPA. As the situation now stands and as is true with the University, a student may walk away from a Pass/Fail course and receive no credit and also receive no consequence in terms of cumulative GPA. Students being placed in internships and externships and experiential type courses who walk away from these courses have caused some embarrassment to the College and to the University. The College of Law would propose that a student who fails a Pass/Fail course would have a zero (0) factored into his or her cumulative GPA. This proposal comes from the Senate Council which recommends that it not be approved for the three reasons stated on the circulation.

The Chair stated the proposal was before the Senate and did not require a second. The floor was opened for discussion.

Gretchen LaGodna (College of Nursing) asked Professor Fulks to expand on the three reasons. Professor Fulks stated there were relatively few students, he could remember only five. Professor John Rogers (College of Law) said he could remember one, but there were a lot of students enrolled in these courses for whom the significance of the grade is important to them. In terms of being able to identify someone who has failed a Pass/Fail course he knew of only one in the last few years.

Jess Weil (Physics) asked if someone could tell them what the problem was for the Law School to be bringing this forward, before they heard about what was wrong with the solution.

Martin McMahon (College of Law) said what it basically boils down to is they use the Pass/Fail in the Law School differently than it is used in the University. The Pass/Fail in the University in general was used to allow students to experiment in courses outside of their strengths to see about changing their majors. The idea there was that the student should have a no risk chance to get into something they would fear could be over their heads.

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That is not the situation in the College of Law, which is a professional program. They have adopted a Pass/Fail in two situations. The first situation is externships, where students are leaving the College of Law and going out and working with lawyers, clients, or with the government and the prosecutors agency. Because of the nature of the experience it is largely an experiential education, it is very difficult to objectively grade these students. The grading is basically just if they show up and if they perform competently or did they not show up or not perform competently. That is really about all you can say about the level of their performance in that situation, so they adopted a Pass/Fail for that case.

The second situation for which the Pass/Fail rule was adopted was for students who have taken courses in the University outside of the Law School. If you take a course in the University, outside of the Law School and get credit it has to be at least a 600 level course in the graduate school. They know for a fact that most of the courses get graded A's and B's. In the Law School they use very seriously the full range of the undergraduate grading scale. Their rule GPA for graduating students is only about in the range of 2.75 to 2.8. What this means is that when students have a Pass/Fail option if they get a Pass they in effect get a grade for that course that is equal to their graduation cumulative GPA, a student who has received straight B's on graded Law School courses, the Pass/Fail ends up equivalent of a B. The student who has received straight A-'s in graded Law School courses, the Pass/Fail is then equivalent of a A-. They really get the Pass aspect of the Pass/Fail course with no risk or benefit to their GPA.

The problem is the few students who walk away from the course and are willing to take the failure. They do not get the credit hours for it, they can make it up in summer school, with an overload, or something along those lines, but they do not have a penalty. There are a couple of problems with this, one is the externships are very highly prized courses, they have waiting lists, so that when a student who goes into these they want to make sure they are going to stick with it and work hard the whole time. The problem of embarrassment is an additional one, but he feels the biggest problem is they are prized courses.

They also police the enrollment of students in graduate school fairly strictly. They work with the professors who teach the courses, they often say they only want a couple of law students, that is all they have room for. So if they are going to take up seats that could otherwise be given to a graduate student with a law student they want to be certain the law student is going to treat it very seriously. If the failure does not count in the GPA the effect of walking away from one of these courses is really much more kin to the ability to simply withdraw from the course anytime a student feels like it which is very inconsistent with their rules, because of the program really being a three year program. They do not like students to withdraw or light load but this gives them the option to do that.

Those are the primary reasons for their adoption of that rule. They do not feel some of the descriptions of problems from the Senate Council are at all accurate. The fact that there are only a few students who might present a problem, is not a reason for rejecting it. If it creates an administrative burden, it is their administrative burden and they are willing to shoulder the burden. It is certainly not punitive because the pass does give the student a grade that is functionally equivalent to a grade equal to their GPA on their graduation day. The fact that they get an E if they do not do the work certainly does not make this punitive.

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Mike Cibull (College of Medicine) asked if the average failing grade was a zero. He said it certainly sounded punitive when the failing grade is a zero. Also, are the courses elective or are they required?

Professor Rogers said the courses were all elective courses. He said Professor McMahon was precisely right with one addition. It is not just externship courses that are graded by lawyers or judges, but it is also the Law Journal. They do not look at it as punitive but as an appropriate grade for someone who has simply not done the work. He asked if the question was "is the exam a zero"? Professor Cibull said a grade of zero is certainly not the average failing grade in any other college. Professor Rogers said zero quality points is what the GPA grade would be for an E. Professor Cibull said if it was not a numerical zero then it was zero out of four. Professor Rogers said that was correct it was zero out of four not zero out of one hundred. He also said they were not required courses.

Professor Picoro asked if the two types of courses that Professor McMahon expounded on were both elective courses. Professor Rogers said yes.

Professor Rogers wanted to point out that any administrative difficulty in implementing this could be handled. He said that Dr. Randall Dahl had indicated that in the meeting of the Admissions and Academic Standards Committee. The committee endorsed the proposals.

Mary Shake (College of Education) asked if any of the required courses were done on a Pass/Fail basis and if so how is that handled? Professor Rogers said no required courses were handled like that. He said the required courses were mostly in the first year of the three year program. The first year is all prescribed and required and graded. In the second two years there is a lot more flexibility, there are really only two required courses. Professor Shake said the reason she asked was because theirs came at the end with the student teaching situation and that is Pass/Fail.

Professor Rogers wanted to point out another item. He said it had been pointed out that it would create a new grading or marking system, but that the Law School already had its own grading system in the Senate Rules which is distinct from the other grading systems.

Chairman Picoro said Professor Shake had mentioned that the College of Education has regular non-elective courses that are graded on a Pass/Fail basis. He asked if the grading was done solely by the teacher in the community. Professor Shake stated no, that it was a combination decision of the University supervisor and the teachers with whom education candidates have been placed. Elementary students do two different placements within a sixteen week period, eight weeks each. Middle school students do that as well. In secondary they have the full sixteen weeks in one setting. It is arrived at as a consensus between the two people, but it is a supervised type of situation which may place it in a different kind of category than the externship type of situation they were describing.

Professor Picoro then asked if there were any other colleges that have either elective or mandatory courses that are graded Pass/Fail that involve an externship. Professor Patricia Collins (Allied Health) said that they also have something similar to that but more similar to what Professor Shake mentioned.

Minutes, University Senate, April 12, 1993

Professor Piccoro said in the College of Pharmacy it was similar to the Colleges of Allied Health and Education. Professor Bradley Canon (Arts and Sciences) said that most internships in the College of Arts and Sciences are on a Pass/Fail basis. Professor Fulks stated that in the College of Business and Economics they must be on a Pass/Fail basis.

Bill Lubawy from the Admissions and Academic Standards Committee said they talked about this proposal over and over again. One of the differences between the required Pass/Fail and elective Pass/Fail is in a required course the student must pass the course in order to graduate. In an elective Pass/Fail you do not have that. They discussed the possibility of keeping the University Pass/Fail rule the way it is and not tampering with it but instead creating for courses like this perhaps a PE so that students knew they had to perform or not. If the student had a 2.7 they would not get a C or a 3.7 a B, it would allow them to take the class, do well and then manage to go through it even if they didn't do superbly they would still function very nicely. The problem is there didn't seem to be a way to provide enough incentive to the student to make sure they interact well with these outside groups. They kicked it around for a long time and just couldn't find a better way of doing it.

Professor Rogers said they were perfectly happy to do it on a Pass/E as opposed to Pass/F basis, that is consistent with what the Law School is proposing. Dr. Dahl stated that would be the way it would happen if it is approved, that would be the only mechanism.

Professor Weil asked if there was an E grade now. Dr. Dahl said that everyone had an E grade, it would simply be changing the negative on a Pass/Fail course so it converts.

Steve Olshewsky (Graduate Senator) was amazed that he did not see any other student senators there, especially the Law student senators. A proposal like this has a definite effect on how the students feel.

Professor LaGodna said that she assumed that if a person fails on a Pass/Fail basis they receive an F indicating failure on their transcript even though it does not effect their GPA, but that the College of Law did not believe that was enough of a disincentive. Professor Rogers said that he knew of one case it wasn't, he had a student to whom he told he did not do any of the things he was supposed to do for the judge. The student said well. Professor Rogers said you know that means you get an F, the student said he wasn't concerned, he had read the rules. At that point Professor Rogers felt the rule was wrong and he continues to think it is wrong and inappropriate.

Professor McMahon feels there is a reason for the Law School that might be a little different from undergraduate institutions and that is probably the single most important criteria by which employers and post JD graduate schools measure law students is class rank. The fact that there is an F on the transcript would not affect student's class rank, only a zero quality point which would be computed into the GPA would affect class rank. So much of what is done in Law School Academic Honors and in qualifications for jobs, the only question that is asked is class rank.

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Professor Fulks asked if that was true for all law school graduates or just for the first 10 or 15%? Do they reach a point where the transcript does become important? Professor McMahon said he would suspect down the line somewhere employers would like to know what courses were taken and on occasion look behind a class rank and discover that a student got straight A's in a subject like Tax and they may be able to get a Tax job. But amazingly class rank or what quartile or decile that student ended up in was the only significant question that gets asked. Professor Rogers said that a lot of students would like to be in the top half of the class.

Professor Louis Chow (Engineering) failed to see that much difference between Law School and the other colleges. They do not want a student to sit in a class and get a failing grade. He feels it is punitive the way they describe it. He thinks if they feel those are prized courses then if a student doesn't care about the fail grade do not let them take Pass/Fail again. He does not see that the Law School is that unique compared to the other colleges. If a student gets a lot of F grades it will look bad. Why should the Law School be treated any differently than the other colleges?

Professor Rogers said the main distinction he likes to focus on is these classes are all Pass/Fail. There are not some people who are taking it as an experiment among others who are taking the class Pass/Fail. It is already a different grading system, they are just trying to make it better serve their purpose.

Professor Chow asked why Law School should be any different from the College of Allied Health or College of Medicine?

Question was called by Professor Bradley Canon and passed.

The motion in favor of approving the proposal to change University Senate Rules, V - 5.1.1, The Marking System, and Section V - 5.1.4, Courses Taken on a Pass-Fail Basis passed and reads as follows:

AGENDA ITEM: Proposal to change University Senate Rules, V - 5.1.1, The Marking System, and Section V - 5.1.4, Courses Taken on a Pass-Fail Basis

**Proposal:**

Selected College of Law courses are graded on a Pass/Fail basis, and law students enrolled in courses offered by the Graduate School for which the College of Law grants credit toward graduation are treated by the College of Law as Pass/Fail courses. A failing grade (F) in any Pass/Fail course in the College of Law or any Graduate School course in which a student in the College of Law enrolls for credit toward graduation from the College of Law will be taken into account at a quality point value of zero (0) in computing the student's academic average.

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**Background and Rationale:**

The Senate Council (SC) first considered this proposal in November 1992 and rejected it because it would create a new grading (marking) system and because of the punitive nature of the proposal. The Admissions and Academic Standards Committee reviewed it again with representatives of the College of Law and, after much discussion, could not come up with a revised proposal to meet the earlier objections. The SC then met with representatives of the Admissions and Academic Standards Committee and the College of Law. The SC after a lengthy discussion again rejected the proposal for several reasons: (1) very few students were involved, (2) this would create a new grading (marking) system, and, (3) the problem could be handled more appropriately by making students more responsible for their actions. Therefore the SC forward this proposal to the Senate with a negative recommendation.

The Chair announced that there would be one more item that was not an action item. Professor Deborah Powell one of the faculty members on the Board of Trustees, would like to discuss the implications and impact of the most recent budget cuts announced during the past week.

Professor Powell said that after the last Board of Trustees Meeting, Carolyn Bratt, Loys Mather, and herself were discussing the comments made by President Wethington which indicated that the 2% budget cut which was being withheld this Spring and now being asked to turn it into the state very recently. This cut was going to be made a recurring budget cut and the implications that would have for the academic programs in the University would be severe. The President had also announced his strong commitment to try to accomplish some modest salary increases for faculty and staff this year. As many of you probably saw in the newspaper, after the Board Meeting it was suggested that this new recurring budget cut would mean perhaps that some proposed faculty rehiring or hiring of additional faculty might not be able to be accomplished. The three faculty trustees, two present and one future were concerned because they were discussing whether certain faculty in the University might prefer rather than salary increases to have additional faculty hired to help ease the burden for people who are already very heavily overcommitted in teaching and with other responsibilities. They felt that they didn't have enough of a sense of what the entire University faculty would feel about this. They thought that perhaps it would be appropriate for the Senate to have some kind of discussion about the implications of continuing budget cuts and to get some sense of the feeling of the Senate as to whether they would prefer or believed their colleagues would prefer to have modest salary increases or to perhaps forego those to allow additional faculty in some underserved areas to be hired. Perhaps this is not something that the Senate wishes to discuss, but they thought they might at least raise the issue and ask people if they have any feelings about this that they might take up with the Senate Council.

Lance DeLong (Physics and Astronomy) believes that at the last meeting, he made some remarks and Chancellor Hemenway made some remarks about clarifying the situation on student enrollment over recent years. If they are going through very lean times that are going to be perpetuated with recurring budget cuts he would like to know why no one is considering more significant student enrollment cuts. He feels this is only logical as part of the alternative package.

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Professor Powell said she knew for example the student fees were increased substantially this year and the aggregate increase in student fees will go a long way to making up some of the suggested salary increments. This is a sort of delicate balance. The increased fees are needed to support salaries and academic programs but if the number of students were reduced perhaps the teaching loads would go down.

Professor DeLong wanted to add that he sees increases in tuition in a very different light from more selective admission policies. Tuition increases are a real burden whereas denial of admission to any University is another matter. He feels that the options have very different impacts but should all be considered.

Louise Zegeer (College of Nursing) was wondering if there was a time frame for when the information was needed and if there wasn't, would they have the opportunity of discussing this with their faculty in terms of their preferences. If they could have a few weeks or at least a month to poll the faculties together in their centralized areas.

Professor Powell said this was not their time table, clearly the President will make the decisions about budgetary matters for next year. It was simply for them as Faculty Trustees to get information from the faculty at large so they could perhaps discuss this with the President. Clearly issues of budget need to be decided upon very quickly because the budget process is already upon us and budgetary decisions are being made. She was not trying to suggest that they as faculty trustees have any significant influence in any of this process, but they felt they might be a mechanism for carrying forward the sense of the faculty.

Professor McMahon said it struck him that one of the problems with trying to get a sense of the faculty on this issue is that to a significant extent how this decision goes, salary increases or filling faculty slots, may, depending where the vacancies are and where the excessive teaching burdens are, result in significant reallocations of funds among different colleges and departments. That is going to make it very difficult to get a sense of the faculty because he feels faculty in different colleges are going to feel very differently about that. He believes a great deal in academic faculty governance, but thinks on some of the resource allocation issues they, as faculty members, are sometimes better off if they do not end up at each others throats. Having said that he does not think it is a bad idea to find out what people think, he sees that as a potential conflict of interest that they may have among themselves that has to be taken into account.

Professor Powell feels he is correct and clearly one suggestion she had heard was perhaps people, staff and faculty below a certain income level, might need to have an increase. Clearly everyone needs to have salary increases and the President has been very strongly committed to trying to increase salaries this year having been sorry that nothing could be done last year. But one suggestion was, do people above a certain salary level and not setting any level, think that perhaps for them it might be more important to forego salary increases with hopes that additional faculty might be hired with those savings whereas people below a certain level might be more needy of having that money. That is just a suggestion that she heard someone make. Those kinds of things she does not know because she doesn't understand the sense of what the University faculty feel.

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Professor Jesse Weil was very glad this question had been brought up, he thinks it is a very important point and something the faculty should think seriously about. He hears people complaining about how the workload has gone up. In rewriting distributions of effort the Administration is encouraging faculty to consider more effort, not less, into teaching. If you don't want the burdens to continue to arise in that one direction and to do other kinds of things you feel are important, he personally would certainly consider to voting part or all of his salary increase. Speaking for himself, he would not mind having another person in his department sharing some of the teaching load which is very tight.

Professor Mike Cibull assumed they were talking about not only this year but in also future years. He thinks the Senate should look into mechanisms for addressing the issue, whether it be the general faculty or department chairs or college deans. The faculty through whatever mechanism, ought to be able to give its opinion to the President before the President makes his decision. He agrees with Professor McMahon that it may be difficult and may work better at one level than another. It may work better with the department chairs discussing with the dean rather than general faculty getting together and arguing about who is getting paid too much and who isn't. The Senate or the Senate Council should address the mechanism for that, not only for this year but for all years, so the President knows they do want to have something to say about how money is allocated in terms of faculty expenditures.

Professor Louise Zegeer asked if these were the only two options available or are there other variables or other options? Professor Powell said she didn't think there are really a variety of options, these are just things they had heard, that there was going to be this recurring additional budget cut and that takes money off the state base. It was put forth first as one year only and now it is recurring and there would be implications to this. They don't have a mechanism in place to provide input except individually to the President. The Senate Council, being a relatively small body and not fully representative of the University, may not in itself be the best group to carry forward their ideas to the President. Certainly any individual faculty member could go and discuss their concerns with the President. As one of the two faculty trustees she doesn't feel she knows enough about the concerns of the University faculty individually or as whole to take back to the President. If the faculty is going to have some input, even just expressing its collective or individual ideas, to the President, they need to have some process for doing that. They thought they might start through a discussion to get some sense of what the faculty feels. It is very late because of the proximity of the budget process. Perhaps the most appropriate thing is for individual senators to either get in touch with Professor Loys Mather, Professor Carolyn Bratt, herself or get in touch with President Wethington, who has reiterated many times his willingness to talk with individual faculty members, or to discuss with Professor John Piccoro or other members of the Senate Council, if it is felt that the Council would be the best body to bring this forward. Any of these things are possible. If they want to have some voice in this process, they need to do it sooner rather than later.

Professor Collins wondered how short of a time frame they were talking about. Professor Powell said the budgetary recommendations were going out now to the colleges, the recommendations for staff salary increases at least in the College of Medicine have already come forward. Faculty salary guidelines are coming forward now. The time is now and there is not much time. Usually budget preparation gets done within the next few weeks. She cannot give exact dates but budgets are being worked on for next year now.

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Professor Lance Delong asked if there was any reading as to what the split would be between the so called special title and regular title series. Professor Powell answered that she really didn't. She has talked with only a very few people about this and obviously most of them are in her own college. In her college she feels particularly people at the lower end of the salary and certainly the staff feel very strongly about salary increases. Certainly most would agree that staff salary increases are very important.

Professor Delong said the kind of faculty positions that might be supplied might be an important question in the issue of are we trading just salaries for positions. It is not that simple, what kind of positions are we getting and how do they reflect on the mission of this University?

Professor Powell said even if they didn't influence the process this year because it may be too late to do that, perhaps they could start to change the way business is done to provide some more continuous input into how the decisions get made. It is her sense, and she may be wrong, that for everyone an increase in salary is not the single most important thing. Mechanisms to maintain the quality of the educational programs that we produce whether through new faculty or part-time faculty are really important to many of them. Perhaps that message is not getting through loudly enough, someone needs to hear if that is the case. Many other things need to be taken into account besides salary increases whenever possible.

Professor McMahon thinks that the quality of the program being important is a very good point. The distinction to be made between personnel if we are talking about salary increases versus no salary increases to help minimize the conflict of interest would be faculty on one side of the line and the true staff; the administrative assistants, the physical plant people on the other side of the line. We really have to protect those people. The Institution must protect those people, they have been ravaged hard. Professor Powell said she felt most people would agree with what Professor McMahon had said, that staff salaries are very important. She knows the President is committed to increasing the percentage of the retirement contribution that the University makes and is planning to steadily increase that as has been planned. Those are all very important, but what she had hoped to get a sense of was what faculty felt about faculty. Perhaps raising the issue will get people starting to think about it, and realize that even if something can't be done this year, that if we are in a time now of such budgetary uncertainty and that the worst maybe isn't totally over, they should think about ways they might provide input into the system so they can collectively feel good about how scarce resources are used.

Jim Funk (Engineering) has been involved in a committee for the past couple of years trying to understand how the financial resources of this University are allocated. They do not know how the personnel dollar is split among faculty, administration, professional, staff, paraprofessional, service people, etc. It is very difficult to make a rational evaluation of whether or not salary increases should be foregone in order to support the staff as opposed to a cut in the athletic program or taking more money out of that part of the pot. There are lots and lots of options and when you come up with one that says as last year "are you willing to forego faculty salary increases", it is not clear to him that the problem has to be handled with faculty salaries. It is a big problem. The biggest growth has been in the professional areas in the University in the last 10 years,

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there is no way to tell sensibly what is the right thing to do. Professor Powell stated she wasn't meaning to imply that the whole budgetary process isn't incredibly complex. They were only dealing with that small piece that went behind faculty salaries, not even looking at the many other pots of money and moving that around, all they were really asking was "if there was going to be a faculty salary increase, would all faculty rather have salary increases than possibly utilizing those dollars to provide additional salary lines to help with the teaching load." They were only dealing with a small pot of money, the money that was going to reimburse faculty members, not looking at the bigger picture which is obviously necessary, doing away with other things in order to support the teaching programs and specifically the faculty in the teaching programs.

Professor DeLong asked what was the feeling on the part of the Board of Trustees to be continually below formula funding and again with respect to enrollments. He thinks we are giving the impression that we can absorb almost any enrollment situation and any formula percentile mark and still do our jobs and we are finding that is no longer true. He doesn't know if the message is getting across, particularly in Frankfort.

Professor Powell said the President had just brought this up at the Board meeting and the board members appeared shocked at the idea of another cut. The President asked the board members to try to help the University and utilize their connections in State Government to try to put forward the case for the University. She has not heard board members specifically react to this most recent problem. Clearly the board is concerned about the funding deficits and the downward trend.

Zakkula Govindarajulu (Statistics) stated that last year there were no raises. Faculty salaries are already behind the benchmark medians. If the faculty members forego the raise this year (however modest it might be) they will fall further behind the benchmark medians. Also in several units with the foregone raises, they would not be able to provide adequate salary for a single faculty line. Thus he was afraid that many faculty members would be reluctant to forego the raise this year. If the raise was substantial they may be willing to forego part of it.

Professor Powell said she agreed with everything Professor Govindarajulu had said and that since there was no increase last year, it was very worrisome that they would start to fall seriously behind in salaries and that was why she asked the question. It is very hard for people to think about giving up salary increases for one, two, or three years in a row. If the faculty feels very strongly about that, it is perfectly understandable. As a faculty trustee she would like to know that. For young assistant professors she doesn't feel they can survive unless they have salary increases and the President has been very committed to that and she feels he believes strongly that he is representing the feelings of the faculty in that and if that is how the faculty feels then his sense of the faculty is very appropriate and he should go forward with that.

Henry Vasconez (College of Medicine) said that Professor Powell had indicated that these are budgetary recommendations made by the President. Does that mean when he indicates that because of budgetary cuts that either salaries cannot be raised or will be raised in distinction to enhancement of faculty lines or number of faculty in the different services? Are those not the decisions that are made by each of the respective colleges? Professor Powell said that specifically what was said was that the President was still firmly committed to trying to maintain a very

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modest increase in faculty and staff salaries this year across the board. For the colleges without sizeable discretionary funds that is what they get and at sometime he was quoted in the newspaper as saying that the notice of a cut that would now take additional moneys out of the state base meant that we would probably have difficulty in replacing numbers of faculty which had been decreasing or not filled in the past year or two. Which had been hoped would take place now that we have got to the process of reorganization and restructure. It is not really an individual college decision. Professor Vasconez said his thinking is that it should not be an either or situation, he feels this is an appropriate topic of discussion for the faculty senate and that they possibly include this in an agenda of a future meeting when there has been time to discuss this with the rest of their colleagues.

Professor Piccoro adjourned the meeting at 4:20 p.m.

Randall W. Dahl  
Secretary, University Senate

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UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL  
10 ADMINISTRATION BUILDING

30 March 1993

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, April 12, 1993. Proposal to limit the number of Pass/Fail units creditable for College of Law students

**Proposal:**

- (a) No more than 6 hours of graduate courses outside of the law school, graded on a pass/fail basis, shall be counted.
- (b) No more than 6 hours of courses in the law school that are offered only on a pass/fail basis shall be counted.
- (c) No more than 9 of the total number of pass/fail credit hours, whether earned for graduate school courses under (a) or for law school courses offered only on a pass/fail basis under (b), shall be counted.
- (d) No more than one graduate school course outside the law school, graded on a pass/fail basis, may be credited in any one semester.

Students in joint degree programs may only take up to six pass/fail course credit hours in the law school courses and may take no courses outside the law school for credit toward the J.D. other than pursuant to the applicable joint degree program.

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**Background and Rationale:**

Currently, students can take up to 12 credit hours toward graduation on a Pass/Fail basis. This represents more than 13 percent of the credit hours required for graduation. The committee believes that this is excessive because, among other reasons, some students may enroll in Pass/Fail courses not for the intrinsic merit of the courses

but to "protect" their GPAs. This strategy puts pressure on other students also to opt out of graded law school courses and into graduate school courses or multiple internship courses. Indeed, there is some evidence of a trend to enrollment in graduate school courses on a Pass/Fail basis. In the 1988-89 academic year, 11 students enrolled in a graduate school course (other than Philosophy of Law, which is cross-listed, but which counts against a student's 6 credit hours allowable in the graduate school). In the 1989-90 year, only one student enrolled in a graduate school course (other than Philosophy of Law). In 1990-91, 17 students enrolled in graduate school courses (other than Philosophy of Law). In the current year, however, 46 students enrolled in graduate school Pass/Fail courses (other than Philosophy of Law). (The actual number of students enrolled in graduate school courses is slightly less because 11 students have taken two graduate school courses this year; only one of those students took both courses in the same semester.) The Committee also has some concern that some students may be enrolling in graduate school courses in order to free large blocks of time for clerking for law firms. Almost every graduate school courses in which law students have enrolled meets once a week at night. Although many graduate school courses meet several times a week during the day, there appears to be no interest in these courses.

Under the proposed rule, students could enroll in one law school Pass/Fail courses and two graduate school Pass/Fail courses or two law school Pass/Fail courses and one graduate school Pass/Fail course. Law Journal (but not the Journal of Mineral Law and Policy, which is graded) and Moot Court would continue to count against the allowable Pass/Fail credit hours.

The proposal has been reviewed by the Senate Committee on Admissions and Academic Standards and the University Senate Council and is recommended for approval.

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Implementation Date: Fall Semester, 1993

Note: If approved the proposal will be forwarded to the Rules Committee for codification.

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL  
10 ADMINISTRATION BUILDING

31 March 1993

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, April 12, 1993. Proposal to change University Senate Rules, V - 5.1.1, The Marking System, and Section V - 5.1.4, Courses Taken on a Pass-Fail Basis

**Proposal:**

Selected College of Law courses are graded on a Pass/Fail basis, and law students enrolled in courses offered by the Graduate School for which the College of Law grants credit toward graduation are treated by the College of Law as Pass/Fail courses. A failing grade (F) in any Pass/Fail course in the College of Law or any Graduate School course in which a student in the College of Law enrolls for credit toward graduation from the College of Law will be taken into account at a quality point value of zero (0) in computing the student's academic average.

\*\*\*\*\*

**Background and Rationale:**

The Senate Council (SC) first considered this proposal in November 1992 and rejected it because it would create a new grading (marking) system and because of the punitive nature of the proposal. The Admissions and Academic Standards Committee reviewed it again with representatives of the College of Law and, after much discussion, could not come up with a revised proposal to meet the earlier objections. The SC then met with representatives of the Admissions and Academic Standards Committee and the College of Law. The SC after a lengthy discussion again rejected the proposal for several reasons: (1) very few students were involved, (2) this would create a new grading (marking) system, and, (3) the problem could be handled more appropriately by making students more responsible for their actions. Therefore the SC forwards this proposal to the Senate with a negative recommendation.

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UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL  
10 ADMINISTRATION BUILDING

1 April 1993

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, April 12, 1993. Proposal to establish separate College of Law rules on Withdrawal by Students.

**Proposal:**

A. General Policy

All students enrolled in the College of Law are expected to complete their degree requirements without interruption other than for regularly scheduled vacation periods. It is expected that students will complete all courses or seminars in which they are enrolled. The following rules govern the situations where exceptions to this policy are necessary.

B. Withdrawal From the College and University

1. First-year students are expected to complete their first year of law study without interruption. If a student withdraws from the College and University during his or her first year of law study, readmission is not automatic. If a student withdraws during the first semester of law study, applications for readmission will be referred to the Admissions Committee; if a first-year student withdraws during the second semester, applications for readmission will be referred to the Academic Status Committee; provided that in either of the above withdrawal situations, the Dean's designate may grant a special leave of absence for the balance of the academic year for reasons relating to extended illness or equivalent distress.

2. After completion of all required first-year courses, a student who withdraws from the College of Law and the University is subject to the rules stated herein regarding readmission after a leave of absence and grades for students who withdraw. To officially withdraw from the College of Law, a student must report to the University Registrar's Office to obtain a withdrawal card; this card must be signed by the Dean of the College of Law or the Dean's designate. If a student plans to complete a semester, but not reenroll for the subsequent semester, he or she must give the Dean's designate written notice of such intention.

C. Withdrawal From Individual Courses or Seminars

A second-year student, a third-year student, or a first-year student with special permission of the Dean's designate may withdraw from any course or seminar within the first half of a semester or summer session. To withdraw from a course or seminar within the first half of a semester or summer session, the student must submit a completed course withdrawal card to the Dean's designate. A student may withdraw from a course or seminar during the last half of a semester or summer session only on petition certifying reasons relating to extended illness or equivalent distress. This petition must be approved by the instructor and the Dean's designate.

D. Readmission After a Leave of Absence

1. If a student withdraws from the College and University or does not continue enrollment and has complied with paragraph B(2) of this rule, the student will routinely be readmitted to the College provided that the student is in good standing and the absence was not longer than two semesters plus one summer term. No student will be readmitted pursuant to this paragraph more than one time.

2. A student who intends to remain away from the College for more than 2 semesters plus one summer term must request permission for a Leave of Absence. These requests are not routinely granted and will be referred to the Academic Status Committee for recommendation to the Dean.

3. Readmission for students who are not entitled to readmission pursuant to paragraphs B, D(1), or D(2) of this rule is not automatic. Applications for such readmission will be referred to the Academic Status Committee for a recommendation to the Dean. The Academic Status Committee may consider all relevant facts and circumstances, including the length of time out of the College and reasons for the absence. The Committee and Dean will normally not approve readmission for any student who has been away from the College for six regular semesters. Reasonable conditions, including the repetition of courses for no credit, may be imposed if readmission is approved.

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Rationale: The College of Law wishes to establish a separate withdrawal policy for College of Law students. The policy was developed by the College and reviewed and revised by both the Admissions and Academic Standards Committee and the Senate Council. All three groups now recommend adoption of the proposed rules.

Implementation: Fall, 1993  
If approved, this would have to be codified by the Rules Committee.

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506-0032

UNIVERSITY SENATE COUNCIL  
10 ADMINISTRATION BUILDING

2 April 1993

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, April 12, 1993. Proposal to amend College of Law rules on Readmission

Proposal: [add underlined portion; delete material in brackets]

V.3.3.1. b. Readmission

Any student dropped for poor scholarship may petition the Law Faculty Academic Status Committee for readmission. A recommendation to the Dean for readmission is within the discretion of the Committee; however, in most cases, the following policies will guide the Committee: a student dropped after the first semester will be required to petition the full Faculty for readmission; in the case of students dropped at the end of the second semester, a student with a cumulative grade average of 1.9 and above will normally be readmitted, a student with a cumulative average of 1.7 to 1.89 may be readmitted but will be carefully scrutinized, and a student with a cumulative average below 1.7 will normally not be readmitted; any student dropped at the end of the third semester or thereafter will be subject to case-by-case analysis.

Any student who is readmitted after being dropped at the end of the second semester and who fails to raise his or her cumulative grade point average to 2.0 by the end of the third semester will be readmitted again at that time only if he or she has made ~~any~~ ~~make~~ material progress toward raising his or her cumulative grade point average to 2.0. Material progress at a minimum shall mean obtaining a 2.0 GPA for the semester. Moreover, such student must raise his or her cumulative average to 2.0 by the end of the fourth semester. In addition to the foregoing academic standards for readmission, the Committee may impose additional academic standards in individual cases, and in any case may impose other reasonable conditions of readmission including, but not limited to, limitation of outside work, specification of schedule of study (including specification of particular courses and limitation of hours), and the limitation of extracurricular activities. The Committee with the approval

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of the full law faculty may also require the repetition of courses either with or without substitution of the grades awarded in the courses retaken. Failure to comply with the requirements and conditions of readmission will result in the student being dropped again from the College, [~~at second time~~] in which case he or she will not be readmitted without approval of the University Senate Council upon the recommendation of the Dean following action by the full Law Faculty. Any student aggrieved at any time by recommendation of the Academic Status Committee may petition the full Law Faculty for review. (US: 12/4/89)

For purposes of the above rules, a student who is required by the Academic Status Committee to repeat fourteen (14) or more hours of the freshman curriculum in his or her third and fourth semester will be considered as enrolled in his or her first and second semesters.

A student who has once been dropped for poor scholarship and who fails to have a 2.0 cumulative average at the end of the semester or summer session in which he or she completes the 90th hour of course work will not be allowed to graduate from the College of Law. Such student will not be allowed to enroll in additional hours of course work in an attempt to achieve a 2.0 cumulative average. (US:11/8/76)

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Rationale: The basic purpose of the proposal is to clarify the existing rule.

Implementation Date: Fall Semester, 1993

WP+108