

The Chairman ruled that the last item on the agenda, that of recommendations relative to parliamentary procedure in the Senate (circulated to the faculty under date of October 6, 1971) would be held over to the next meeting of the University Senate on October 28, 1971.

The Senate adjourned at 4:00 p.m.

Elbert W. Ockerman  
Secretary

MINUTES OF THE UNIVERSITY SENATE, OCTOBER 28, 1971

The University Senate met in special session at 3:00 p.m., Thursday, October 28, 1971, in Room 118 of the Classroom Building. Chairman Rovin presided. Members absent: Lawrence A. Allen, Kurt Anshel\*, James R. Barclay\*, Charles E. Barnhart, Wendell E. Berry\*, Harmon C. Bickley\*, Robert H. Biggerstaff\*, Garnett L. Bradford\*, Eugene B. Bradley\*, Betty J. Brannon\*, William R. Brown\*, Collins W. Burnett\*, Lewis W. Cochran\*, Glenwood L. Creech, Dan M. Daffron, George W. Denemark\*, Loretta Denman\*, Robert O. Evans\*, Lawrence E. Forgy, Jr., Stuart Forth\*, Donald T. Frazier\*, George H. Gadbois\*, Eugene B. Gallagher\*, Jess L. Gardner\*, Charles P. Graves, Jack B. Hall, Willburt D. Ham\*, Joseph Hamburg, Brenda J. Hamer, Charles F. Haywood\*, Virgil W. Hays\*, James W. Herron\*, Raymon D. Johnson\*, Pam S. Johnston\*, James A. Knoblett\*, Robert G. Lawson, Donald C. Leigh, Paul Mandelstam\*, Leslie L. Martin\*, Roger M. McCoy\*, William C. McCrary\*, Theodore H. Mueller\*, Thomas P. Mullaney\*, Arthur F. Nicholson, Larry D. Noe, Elbert W. Ockerman\*, J. W. Patterson\*, Curtis Phipps\*, Nicholas J. Pisacano, Herbert G. Reid\*, Wimberly C. Royster, Robert W. Rudd\*, Donald S. Shannon\*, Jon M. Shepard, D. Milton Shuffett\*, Otis A. Singletary\*, Eugene J. Small\*, John B. Stephenson\*, Robert H. Stroup\*, Thomas B. Stroup, Dennis D. Stuckey, Joseph V. Swintosky, Charles G. Talbert\*, Norman L. Taylor\*, M. Stanley Wall, Harry E. Wheeler\*, Cornelia B. Wilbur\*, William R. Willard, Paul A. Willis\*, Joseph W. Wilson, Alfred D. Winer, Miroslava B. Winer, Ernest F. Witte\*, and Robert G. Zumwinkle\*. (One person signed the roll whose name we are unable to read.)

Visitors were permitted to attend the meeting.

The minutes of the regular meeting of October 11, 1971 were approved as circulated.

On behalf of the College of Medicine Dr. Peter Bosomworth read resolutions on the death of Dr. John S. Chambers following which the Senate stood for a moment of silence in respect to Dr. Chambers and in acceptance of the resolutions.

On October 9, 1971 death claimed Dr. John S. (Brick) Chambers, retired director of the University Health Service and a driving force behind the creation of the Albert B. Chandler Medical Center and its related colleges. In the brief span of his 82 years, Dr. Chambers managed to establish himself in the mainstream of American medical practice and biomedical research as well as to become a leading figure in the affairs of the University of Kentucky and the Medical Center.

\*Absence explained

Born in Calloway County to William and Louisiana Chambers, Dr. Chambers grew up in anticipation of a medical career. In 1907, he entered the Kentucky State College, forerunner of the University of Kentucky. After several economic setbacks, William Chambers graduated in 1913 and entered the University of Michigan School of Medicine, receiving his M.D. in 1921. While at the University of Michigan, he served as a research and teaching assistant in bacteriology and several related fields.

Following his marriage to Annabel Grainger and a brief period of private practice in Paducah, Dr. Chambers moved his new family to Lexington where he resumed private practice. One of the pioneers in research medicine, Dr. Chambers early established his own medical research facilities, among the first in central Kentucky.

Feeling the need to supplement his income as a private practitioner, he became a public health officer for Fayette County. In 1928, President Frank L. McVey appointed Dr. Chambers director of the University of Kentucky Health Service and professor of public health. He held this post until his retirement in 1957. He was also emeritus clinical professor of medicine.

On the suggestion of Dr. McVey, Dr. Chambers undertook a study of medical practice and medical education in Kentucky. It was out of this effort and ensuing discussions with President McVey that the idea of a medical school in Lexington first took shape. During this period, the vigorous physician reached national stature as the author of "Medical Service in Kentucky", published in 1931, and "The Conquest of Cholera", published in 1938.

Unfortunately, the realization of Dr. Chambers' dream of a great medical school at UK was delayed several decades. Two world wars and a major depression, as well as waning interest in the Commonwealth, discouraged all attempts at his goal. Finally toward the end of the 1940s Dr. Chambers, undaunted in his ambition, came in contact with a group of several other farsighted and dedicated men who shared his aims. Along with Dr. Francis Massie, Dr. Coleman Johnston, Mr. Guy Huguélet, Mr. Arnold Hanger and several others, Dr. Chambers helped to create the Kentucky Medical Foundation, which was to serve as the vehicle for Dr. Chambers' dream. It was the Foundation that campaigned for the Medical Center (it had been decided during this period that a school of medicine would be insufficient) and finally enlisted the support of Mr. Albert B. Chandler for whom the present Medical Center is named.

In 1957, ground was broken for the Medical Center; that same year Dr. Chambers resigned as director of the University of Kentucky Health Service. Upon the celebration of the groundbreaking Governor Chandler presented Dr. Chambers with a silver tray which bore the following inscription:

"To John S. Chambers commemorating the groundbreaking for the University of Kentucky Medical Center, December 12, 1957. You had the vision of a great medical center and worked for its achievement."

It is not to be assumed from Dr. Chambers' tireless efforts in behalf of the Medical Center that he isolated himself from other

currents in the modern world. It is to his greater credit that he kept his dream in the context of the needs of the Commonwealth and the Nation and visualized the Medical Center in reference to the development of the medical sciences and arts.

Besides being a great educator, administrator, and man of vision, Dr. Chambers was widely known as a fine gentleman, a tender and compassionate family man and an altruistic humanist who deeply felt the needs and anguishes of humanity in general. His worth as a friend and confidant will long be remembered by those whose lives he touched.

It is with the most profound and heartfelt sorrow that we, his colleagues, in the Medical Center that he dreamed of and helped to build, submit this resolution as an expression of sympathy to his family and friends and in deep appreciation of his service to the University, the Commonwealth and to humanity.

The Senate gave tacit approval to a postponement of old business in order to move to the main item on the agenda, that of the Code of Faculty Responsibilities. Again, the Senate gave tacit approval to use the meeting for discussion only of the Code. The Chairman then called on Professor Paul Oberst to explain the background of the proposed Code.

When the Senate Council decided to circulate the proposed Code of Faculty Responsibilities I wrote a four-page cover letter which I think a lot of people have read but I mention it in passing. I don't propose to read it to you but I would like to make a few remarks about the background of codes of professional responsibility in the United States.

I spent some years defending academic freedom and tenure in and about the United States and I seldom address myself to the subject - whether it is on the local luncheon club circuit or, more recently, to the Southern University Conference, a group of southern college presidents in Miami Beach last spring. What I am almost immediately met with is the question "Why do you talk about nothing but your freedom and tenure? Why don't you ever talk about responsibility?" I was nonplused at this question in 1946 but I gradually worked out an answer and it goes something like this: "I am a lawyer and subject to the Code of our profession and we have a committee which enforces it; but I am also a professional teacher on a university campus and we have worked out a division of labor there. The faculty strenuously supports academic freedom and tenure and we leave the enforcement of professional responsibility largely to the administration of the University -- a force which, of course, is not available to an independent practitioner." I think this was a fairly good answer at one time but it isn't any more. One of the things that has happened in recent years is that there has been more concern over the question of faculty responsibility on the part of faculty members. Committee A., of course, is the AAUP committee on academic freedom and tenure, but Committee B, which was the next committee founded back in 1915, was a committee on professional ethics.

At the beginning of the Sixties there was a revived effort, on the part of Committee B, headed by Jack Dawson of Harvard, to write a statement on professional ethics which came down in April of 1966 and was adopted by the organization. It is a general statement of the professor's duties as a teacher, as a colleague, as a member of the

institution, as a member of the community, and so on -- written in rather broad terms -- discussing his ethical responsibilities in each of these areas.

If I looked at it chronologically, I would suspect that the next matter of importance was the problems that arose in New York which caused the Legislature of New York to pass the New York Education Law, Article 129 A, in 1969, requiring, within three months, that each institution adopt rules of maintenance of public order. Faculty members in those institutions in New York quickly became concerned in participating in the drafting of rules of maintenance of public order. Beyond that, there became the further interest in some sort of statement of responsibility, and in October 11, 1970, a responsibility statement was produced, again at the Council meeting of AAUP and I think perhaps some of the closing items in that statement, after discussing types of responsibilities in general and the extent to which they have been complied with, were some suggestions for the future. It says that the faculty statements in regard to academic freedom and tenure, procedural safeguards and dismissal proceedings, and the statement on ethics, needed to be supplemented; that preventive as well as disciplinary actions should be emphasized. But it went on to say: "Systematic attention should be given to questions related to sanction other than dismissal, such as warnings and reprimands, and further, there is need for the faculty to assume a more positive role as guardian of academic values against unjustified assaults from its own members." This, I think, in part, along with other things led to a great deal of interest in faculty responsibility statements, and dozens, indeed hundreds of universities and colleges throughout the United States have since worked out and adopted statements. Two of the more famous ones are Stanford's and Berkeley's but they have also been adopted, as I indicated in my memorandum, in a number of other institutions. . . . These statements have been adopted, sometimes with an explicit statement that they rest on the 1966 statement on professional ethics and the 1970 statement of freedom of responsibility. That led to, as I say, some interest throughout the United States in this particular subject.

I think there are other things which led to the interest, locally, beside this national interest. Another thing that happened was that we adopted a Student Code of Rights and it is an old legal proposition that for every right there is a correlative duty or responsibility; and one of the problems became "If you do have rights, in what way can the correlative duties which that code of rights puts upon faculty members be enforced?" and so the matter became a subject of some interest on that basis.

Finally, following the so-called legislative history which I produced, meaning the background of this particular proposal in this institution, was the appointment of an ad hoc committee on academic responsibilities of the faculty by Professor Plucknett -- as of this time last year the Chairman of the Senate Council. The Committee met, wrestled with the problem, developed a survey instrument which was put out, and then, shall we say, disappeared, without issuing a report of any kind.

At this point, the Senate Council undertook, on the basis of the interest indicated by the faculty survey, on the basis of the problems arising out of the Student Code, on the basis of what was going on in other institutions of the United States, itself, to act as a committee to attempt to go forward with the drafting some sort of statement or code on faculty responsibilities. I was not here during the summer and I would like to stop at this point and turn the chair back to Professor Rovin so that he can describe what has happened further.

Dr. Rovin: In May, the original committee, for a number of reasons, requested that it be relieved of its responsibilities and specifically requested the

Senate Council to assume the responsibility for a report and proposal for a code of faculty responsibilities.

A sub-committee comprising Mike Adelstein, Garrett Flickinger, Howell Hopson, William Plucknett, and myself met weekly throughout the summer and drafted a proposal; the preface of the proposal, as already indicated, was drafted by Paul Oberst. The basis for much of the proposal came from the various codes that had been formulated and which were in effect at the institutions indicated in the preface and from some institutions not indicated there. In some instances, statements were lifted almost verbatim from these documents. The proposal was then considered and altered by the entire Council during the course of many lengthy meetings. The Council considered a number of alternatives including doing nothing, submitting a simple statement endorsing the previous AAUP statements on ethics in 1966 and 1970, submitting a detailed statement of responsibilities without sanctions. A fourth alternative was to submit a detailed statement of responsibilities with sanctions to be administered by administrators; and the fifth, which is the current proposal, to be administered by the faculty. By majority vote, with some dissension, the Senate Council elected to submit the current proposal. This proposal was submitted as a written basis for discussion and on which to base alterations. It was not construed to be a perfect document by any means. It is already recognized that many items are unclear, some need to be altered, some deleted, and others added. A number of appropriate suggestions have already been made in writing. We spent yesterday with the Council discussing these and I, personally, want to thank these people for expressing themselves both in writing and in person.

It is also recognized that additional assistance is required and to this end it is a recommendation of the Council that we spend this afternoon in a discussion only session, and that no action be taken.

Extensive discussion took place centered almost entirely on Section I, paragraph H. Points raised were:

that the Code failed to mention responsibilities to one's discipline, to one's colleagues; and there is no mention of excellence or search for knowledge;

that the poll taken of the faculty is inadequate and the faculty, as a whole, should be polled;

that the title of the document is very important and should be directed at the focus of what the document is about, faculty responsibility being a general term which means many things to many people;

that the Senate should not be taken out of the deliberative and judgment area and thrust into the administering area of the University structure;

that the proposed Code should take into account the responsibilities and obligations of members of the graduate and professional faculty of the University;

the possible use of this Code as a means of personal or professional harrassment, not only administrative, but faculty and student harrassment as well;

the need for a separate statement detailing the obligations of the faculty toward the graduate student;

that some provision should be made for those faculty who may be lecturing from old notes but who are rendering outstanding performance in other areas;

that the meaning of the phrase "faculty members shall refrain from acquiring or maintaining disciplinary or counseling information" in Section I, paragraph H, be explained;

that the words "irrelevant" and "improper" be defined;

that the Senate receive the document back for drastic revision and expansion; further, that the Council take into account the interest of the faculty and enlarge the constituency of their writing committee to include members of the University Senate and an administrator or two so that when the document is brought back to the Senate, it will be able to support it;

that the addition of a statement at the end of paragraph H, Section I, to the effect that the faculty member will respect the confidentiality of personal information conveyed to him, will be sufficient;

that evidence and documentation be given of the things the Senate is trying to attack so that a document can be written which will help alleviate those specific problems, then if in the future some additional problems arise that are not pertinent to the document, the Senate can go through the appropriate amendment procedures;

the possibility that the problems that exist can be dealt with in the ordinary channels that are now available;

that the items in Section I, paragraph C, and the second sentence in paragraph E are a part of the Rules of the University Senate and do not belong in this document;

that Section I, paragraph G, should either be deleted or reworded so that it is a positive statement;

that the Academic Ombudsman, as presently structured, has no punitive functions and should be left out of this document;

that what is needed from the Senate is a statement, endorsed by the Board of Trustees, that faculty members shall behave at all times in a responsible professional manner; and that if any deviation from the responsibility and professionalism of the faculty member's behavior is alleged, it shall be the duty of the various committees of the faculty to investigate these and set up a trial mechanism of professional peers to assess whatever penalties seem appropriate ranging from reprimand to dismissal;

that what is needed is a document that lays down broad ethical principles while not getting down to such specifics;

that the suggestion that the problems that exist can be dealt with through the ordinary channels now available presumes that the individual has the time to fight the system every time and that no intimidation will be assessed on the student; that the faculty should own up to its responsibilities as a

group and set down a set of its responsibilities.

Motion was made to adjourn but at the Chairman's suggestion that it be withdrawn and the discussion continue, the motion was withdrawn.

A point was raised that a code of faculty responsibility should be prepared that would be more in keeping with the whole University; that this Code seemed to be directed more at the undergraduate level; and further, that input from the administration should be obtained to see how they feel.

A straw vote of the Senate was taken which indicated that the Senate felt there was need for a code of faculty responsibility.

A straw vote was taken of whether the Senate thought the present document was too specific. The vote was about half and half with a slight edge by those voting "No".

Suggestion was made by a Senator that a volunteer be designated from each College of the University to assume the responsibility of obtaining the views of that College, in writing, and that a similar action be directed toward the University administration at the vice presidential level to obtain its views.

Following several suggestions from the floor of how best to proceed, Chairman Rovin suggested that the Senate adjourn to the next Senate meeting on November 8th; that in the meantime he would write a letter to each of the colleges requesting that they get some consensus of the document and feed it to the Senate Council before the 8th which might be used as a basis for that meeting. The Senate agreed to this.

The Senate adjourned at 5:05 p.m.

Kathryne W. Shelburne  
Recording Secretary

It is the sense of the University Senate that the right to free and open discussion of ideas is imperative to the learning process; that the interrogation of students about the content of class discussion by law enforcement officers can have the effect of intimidating students and can be destructive of the learning situation; and that the University of Kentucky has a obligation to students, faculty and the people of the Commonwealth to promote the free discussion of ideas; and that the University of Kentucky should refrain from releasing class rolls and other University records to law enforcement agencies if the use of such information is to inquire into the content of class discussions.



UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506

UNIVERSITY SENATE COUNCIL  
10 ADMINISTRATION BUILDING

October 15, 1971

M E M O R A N D U M

TO: Members, University Senate; University Faculty

FROM: University Senate Council  
Sheldon Rovin, Chairman

SUBJECT: Agenda Item for Senate Meeting, October 28, 1971  
(Proposal for a Code of Faculty Responsibilities)

In accordance with the Rules of the University Senate, the Senate Council circulates the attached proposal for consideration and action by the University Senate at its special called meeting of October 28, 1971.

Legislative History

The proposal for a Code of Faculty Responsibilities at the University of Kentucky began with the appointment, on September 30, 1970, of a Senate Ad Hoc Committee on Academic Responsibilities of the Faculty by Professor William K. Plucknett, then Chairman of the Senate Council. The members included Professors Art Gallaher, Virgil Hays, Paul Oberst, Robert Rudd, Robert Straus, with J. R. Ogletree, Chairman. The committee was charged by the Senate Council with surveying the faculty, administration, and Student Government to determine the credibility of establishing a Senate policy statement on faculty responsibilities, items to be contained in such a statement, and mechanisms to deal with alleged abuses short of dismissal hearings. It was charged with submitting a statement to the Senate Council, if the survey favored such a statement. The committee was to report by December 31, 1970.

A survey instrument was devised and circulated early in 1971 to the faculty, administration and members of Student Government. Some 218 replies were received and compiled by college, department and rank. In May, the committee found itself unable to submit a final report and requested the Senate Council to assume its functions.

Totals of the returns on the questionnaire demonstrated the following responses:

1. Knowledge of cases of abdication of academic responsibilities by faculty members? 58% yes; (126 of 218)
2. Need for a policy statement on academic responsibilities of faculty members? 89% yes; (150 of 169)
3. Who should develop a policy statement? Senate, 50% (153); Administration, 42% (126); Trustees, 8% (24). (Total 303 because of multiple answers.)
4. Who should develop procedures? Senate 61% (124); President 21% (43); Board 14% (20).
5. Who should administer the policy? Academic Administration 31% (68); Senate 23% (50); Separate judicial body 18% (39);

Ombudsman 7% (16); Self-policing on the individual faculty members 20% (45).

6. In what areas should faculty responsibilities be delineated? To students: 179; to the institution, 147; to colleagues, 99; to one's discipline, 101; to the public, 107. (Total 533; multiple responses.)

An analysis of these responses indicated a desire for a statement of academic responsibilities with procedures for enforcement vested in the faculty (through the Senate, judicial body or an ombudsman) as opposed to either administrative enforcement or "self-policing" by the individual faculty member. It also suggested that the Senate Council should take the initiative in developing the statement and the procedures and that the statement should cover a wide range of responsibilities.

The Senate Council, through a sub-committee and special drafting sessions, has worked through the summer and early fall to prepare draft proposals for submission to the Senate, contained herein as Annexes A, B, and C.

#### Analogous Action in Other Institutions

During the past two years there have been wide-spread attacks on tenure. Some of it has come from students who see it as a hindrance to student reform of the universities; some comes from politicians and the public who see it as an obstacle to disposal of faculty members who sympathized with students in confrontations; some comes from the misunderstanding of its operational uses and purposes by persons who have never taken the trouble to understand. A recent Courier-Journal editorial, October 11, 1971, entitled, "On clearing the deadwood out of those halls of ivy", depicted its college as plagued equally with the 1937 Ph.D. bent over his yellowed lecture notes and the Great Man who never is around to teach.

One response to these attacks has been the proposal that tenure be retained for its advantage in protecting academic freedom, but that it be accompanied by an effective and enforceable Code of Faculty Responsibilities to ensure "accountability" of the individual faculty member who might take advantage of the policy of academic freedom in a way which would not justify charges of "unfitness" and dismissal.

One of the more recent of these codes is the Code of Professional Conduct adopted on February 11, 1971, by the Academic Senate of the University of California (Berkeley). This Code rests on the 1966 Statement of Professional Ethics and the 1970 Statement of Freedom and Responsibility approved by the American Association of University Professors. A similar "Code of Faculty Responsibilities" was proposed in May, 1971, by the University of Utah Commission to Study Tenure. Variations are found at Michigan State University, University of Illinois, University of Washington, University of Michigan, while at Iowa, the State Board enacted a Code of Personal Conduct, and Oregon State's Board of Higher Education amended an Administrative Code to provide new sanctions and a code of prescribed conduct.

Explanation of Attached Proposals

1. Although it is possible that the Senate could adopt the Code of Faculty Responsibilities solely on its own initiative as part of the Rules of the University Senate, it seemed questionable whether there was authority to enforce such a code under the existing Governing Regulations. These Regulations delegate powers to the Senate to determine educational policy and advise and recommend -- Governing Regulations, May 1970, Section IV, p. 13. Further, they state that the Senate has "no management or administrative functions". Since the Senate Council believes that a Code of Faculty Responsibilities should not only be adopted as "academic policy", but should be administered by the faculty through existing and authorized structures, the Council is proposing that the Senate request the Board to amend the Governing Regulations to authorize and direct the Senate to:

- (1) adopt a Code of Faculty Responsibilities;
- (2) provide appropriate procedures and sanctions;
- (3) amend it from time to time as experience dictates.

2. The Council has also drafted said proposed Code of Faculty Responsibilities complete with

- (1) reasonably precise statements of various responsibilities of faculty members to students, colleagues, the institution and the public;
- (2) a detailed provision for enforcement, providing for fair hearings and appeals;
- (3) detailed sanctions appropriate to breaches of responsibility.

It is proposed that the Senate adopt this Code conditionally, effective upon Board acceptance of the proposed amendment, to indicate to the Board of Trustees the precise codification that it would enact pursuant to Board authorization.

3. Finally, it is proposed that the Board also be requested to amend the Governing Regulations, Section X, B5b, to provide a range of penalties other than discharge in "Termination" cases, where the alleged incompetence, immorality or neglect of duty does not justify discharge in the judgment of the hearing and reviewing authorities. This would make more specific the stipulation (Governing Regulations, p. 32) that an "academic penalty less than dismissal" may be recommended by the ad hoc Hearing Committee in dismissal cases where it would be "more appropriate."

A Footnote on the Proposed Code of Faculty Responsibilities

The Code of Faculty Responsibilities is not a mere statement of professional ethics. Instead of "professors are expected to....", it says "You shall not do this or that". Although the document is not a criminal code, it has been written in language as precise as possible to avoid the problems of inadequate notice of the offensive conduct or the problem of "void for vagueness."

Members, University Senate and Faculty  
October 15, 1971

-4-

The offenses described are divided into two categories; irresponsible conduct toward students and irresponsible conduct toward others (colleagues, the institution, and the public). Offenses in the former category are dealt with by the Academic Ombudsman mechanism, with appropriate appeals, while offenses of the latter sort are dealt with by the Committee on Privilege and Tenure with appropriate appeals. It is believed that it is desirable to use these two existing and respected institutions rather than create a new independent judicial body or ad hoc Senate committees to administer the proposed Code of Faculty Responsibilities. Provision is made for amendment of the Code, but with an appropriate period of delay for full opportunity for the Senate to consider, and reconsider, any proposed changes.

We encourage you to discuss this document with any member of the Senate Council or to call the Senate Council office for information, if you feel we may be of assistance to you.

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Annexes A, B, and C