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## Faculty Senate Chronicle for November 5, 2009

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29 pages

## **SENATE ACTIONS**

- **Approved a motion from the Curriculum Review Committee ..... 11**
- **Approved the Proposed Revised Code of Student Conduct Policy ..... 14**
- **Amended the Bylaws of the Senate ..... 15**
- **Created an Ad Hoc Committee on University Organization ..... 16**
- **Approved the list of December Graduates ..... 16**
- **Approve a Resolution on DNA Testing ..... 20**

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Any comments concerning the contents in *The University of Akron Chronicle* may be directed to the Secretary, Robert Huff (x5966).

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## Minutes of the Faculty Senate Meeting of November 5, 2009

The regular meeting of the Faculty Senate took place Thursday, November 5, 2009 in Room 201 of the Buckingham Center for Continuing Education (BCCE). Senate Chair Harvey Sterns called the meeting to order at 3:02 p.m.

Of the current roster of sixty-two Senators, 45 were present for this meeting. Senators Clark, Gerlach, Hamed, Kruse, Marich, Oswald, Prichard, Shanks and Vierheller were absent with notice. Senators Arter, Elbuluk, Maringer, Rearick, Sotnak, Xiao and Yi were absent without notice.

**I. Approval of the Agenda** – The Chair asked whether there were any amendments to the agenda. Since there were none, he called for a motion to approve it. The motion was made by Senator Hajifar and was seconded by Senator Gandee. **The body then voted its approval.**

**II. Approval of the Minutes of October 1, 2009** – The Chair noted that two minor changes had been sent to Heather Loughney. No other corrections or changes were suggested.

The Chair asked for a motion to approve. The motion was made by Senator Lillie and was seconded by Senator Ziegler. **The Senate then voted its approval**

**III. Chairman's Remarks and Special Announcements** - The Chair then invited Secretary Robert Huff to address the Senate concerning the minutes.

The Secretary reminded members of the Senate about the practices required to make usable audio recordings of the meeting. Senators were encouraged to speak only when recognized by the chair, to rise when speaking, to address remarks to the Chair and to always keep the name cards in view. The Secretary also requested that minor corrections to the minutes involving spelling or punctuation errors could be sent to the Senate office. Corrections of substance in the minutes would be best addressed by contacting the Secretary before the beginning of the next meeting. Corrections of substance may be raised in the meeting if necessary.

The Secretary concluded by thanking the Senate for their patience and cooperation in creating the best record of the meeting possible.

Chair Sterns then began his remarks by presenting some of the issues before the Senate including the Code of Student Conduct and a new Senate initiative in response to President Proenza's recent communication on organizational structure. These issues will be discussed later in the meeting.

The Chair then announced the unfortunate passing of Marlena Coleman, who had died on Sunday, October 25, 2009 at the Hospice on Ridgewood Road in Copley, Ohio. Marlena graduated from Akron North High School and Central State University, Wilberforce, Ohio. In 1985, she was the first student from

Central State to be awarded a Juris Doctor degree from Yale University School of Law in New Haven, Connecticut. After practicing law in New York and Pennsylvania, she joined the faculty at The University of Akron School of Law, where she became a tenured Associate Professor of Law. During her successful 20-year career at The University of Akron she served eleven years as Associate Dean of Student Affairs. She also was chair of the Akron Law Admissions Committee and faculty advisor to the Black Law Students Association.

The Chair asked the Senate to rise for a moment of silence in memory of Marlena Coleman. (Senate observed moment of silence)

The Chair next introduced four newly elected senators. John Cheh, Andrew Thomas, Martin Murphy and Kevin Concannon were welcomed and received a round of applause.

#### **IV. Reports –**

**a. Executive Committee** - The Secretary reported that the Executive Committee had three meetings in the month of October. The first was on October 7<sup>th</sup> with the National Academy of Advising Association to discuss the advising practices on campus. This was one of several meetings that they had with groups throughout the university community. On October 15<sup>th</sup> the committee met with President Proenza and Provost Baker. Issues that were discussed at that meeting included the Provost search, searches for Deans and other upper administration positions, the implementation of the University Council, strategic planning process and parking. On October 30<sup>th</sup> the committee met again to discuss some of the other current issues that have come up in recent weeks and to set the agenda for today's meeting.

The Secretary concluded his report by offering to answer question. None were asked.

**b. Remarks from the President** - The Chair noted that President Proenza was in China at the time of the meeting and then invited Interim Provost David Baker to speak.

**c. Remarks from the Provost** - Dr. Baker made the following report.

“Thank you Dr. Sterns. Good afternoon everyone. I have a number of items that I'd like to review today. As has been mentioned, there has been substantial discussion about the issue of DNA testing and criminal background checks. I'm pleased that Mr. Mallo, General Counsel and A.J. Monaco of Human Resources are here to join us as part of that conversation later in today's meeting.

This past Thursday and Friday the University held a very successful service learning and community engagement institute. On Thursday 70 individuals came to learn about service learning and possible funding strategies. Friday we had more than 110 participants equally divided between community groups and the University of Akron. Five examples of outstanding community/faculty partnerships were presented by Caroline Berman of Anthropology, Greg Derringer of University College, Deb Walker from College of Education, Karen Katz and Daniel Bently the Honors College, Bill Lyons in Political Science and Jim Slowiak from Theatre Arts. There were two outstanding keynote addresses, one on sharing power in a partnership by Byron White and Finding Common Ground with Community Partners presented by Bar-

bara Holland broadcast via Distance Learning from Australia. Those were recorded, so if you're interested in having the opportunity to review those they're available through the ITL. Overall the Institute showcased our relevance to the community and the participation of its faculty and students through many disciplines. It also provided a forum for the community to view themselves as reciprocal partners in reaching important learning objectives for our students. In the end the measure of success of such initiatives will be the implementation of the many action items and projects developed by faculty and community members while at the institute.

Next I would like to give you a brief update on Strategic Planning. The President continues to visit all colleges to discuss the initial draft of the strategic plan. Six colleges have been completed, the rest will take place through early December. In addition, three campus community sessions have taken place to discuss the draft, with one done in the evening to target adult and graduate students. An interactive discussion board was launched on the UA web site to extend the discussion of the draft of the strategic plan and I encourage you to visit and provide your feedback. The President is meeting with the community in early December to discuss the draft as well as two alumni sessions and a session with ASG, Student Life and Residence Life to get student feedback on the draft. By January a revised draft will be available for review and further discussion.

Earlier last week, I was pleased to see many of you at the State of the University address. I found it rewarding to see the examples of student and faculty success that were highlighted at the beginning of President Proenza's remarks. As Dr. Sterns has mentioned, there's been considerable discussion of the President's memo to the campus. I look forward to the discussion with this group and welcome the involvement of the Faculty Senate in that discussion and that emerging process.

We also wanted to take a moment to share some points that appeared in a news release this week from OBR regarding increased enrollments. I will quote from the OBR; "the increase of 44,627 students from the preliminary headcount breaks down into 10,687 more students at university main campuses, an increase of 4.11 percent, 5,100 more students at regional campuses; an increase of 11.5 percent and an increase of 28,797 students in community colleges representing a 16.6 percent increase." They note that while enrollment at a few institutions declined, many more institutions have broken enrollment records for the second year in a row. Among the strategies outlined in the strategic plan, Ohio colleges and universities cited specific drivers of this year's enrollment growth. These included the following:

- increased popularity and availability of online courses
- improved communications and retention programs to make students aware of lower cost pathways and providing them with learning support services
- expanded course offerings at additional campus centers in line with Ohio promise to provide high quality, low cost associate and bachelor's degrees within thirty miles of every Ohioan through community and university partnerships
- implementation of dual enrollment initiatives that raise the aspirations of high school students and reduce barriers for entry into higher education

- approval of new degree and certificate programs and additional on campus housing options.

So I think it's important to be familiar with and to share with you some of the thoughts and communications coming out of the Ohio Board of Regents.

I want to share some information about an initiative that I have been thinking about for some time. This was actually an idea that was first developed and should be attributed to Roger Durbin, who many of you knew as the Associate Dean of University Libraries. The concept is for the university to create what we've termed the Akron Almanac. I don't know if this will be the final name, but the idea is to create a digital repository that can house the intellectual output of the university in any given year. In its simplest form, this would be the material that you would find on a vita. In its more developed form it can house full text documents such as articles and books as well as streaming media to include the music and dance performances, digital media, images and the like. The platform created could open access media such as live journals. Material that's not often captured such as PowerPoint presentations and other unpublished works could be included. I believe that the ability to quantify and catalog the intellectual productivity of our campus will serve a wide audience. I've asked Tom Boker to lead this group. Tom is the new director of the University of Akron Press. He'll be joined by a number of faculty members including Frank Bove who has agreed to serve. It's an exciting project and I hope to be able to report on progress to you very soon. I would also like to note that on Monday evening The University of Akron Symphony Orchestra under the direction of Guy Bordo will present Sibelius' Second Symphony. From what I'm told, this is a very challenging and engaging piece and as always I encourage you to attend the rich cultural events sponsored by our University of Akron community. I would also remind you that on Wednesday evening the author Malcolm Gladwell will be here as a part of the *University Forum* series. Dr. Sterns that completes my report."

The Chair thanked Provost Baker for his remarks and asked if there were any questions. There were none.

**d. Committee Reports -**  
**Graduate Council** (no report)

**Academic Policies Committee** (no report)

**Curriculum Review Committee**

The Chair next asked for a report from the Curriculum Review Committee. A report was made by Associate Provost Rex Ramsier, the committee chair.

Associate Provost Ramsier explained that the committee had a late report he wished to submit. (appendix C)

The Chair found no objection, so Mr. Ramsier was invited to continue.

The report and discussion follows.

Associate Provost Ramsier: Thank you. The handout that's three pages long represents the minutes from our last meeting that were just approved at this morning's meeting. At the bottom of page one there's a motion from the Curriculum Review Committee to the Faculty Senate:

**That the CRC-the Curriculum Review Committee continue to function “as is” and that the Faculty Senate charge our committee with rules clarification.**

In order to explain that, we’ve tried to outline on pages two and three where the current Board of Trustees rules in some cases conflict with themselves, in some cases are not clear and in many cases conflict with the actual process that the current electronic curriculum system allows for. The red highlighted text on the left hand column are where we perceive there to be conflicts or areas where interpretations of how the committee should function reside and on the right hand column are some comments and questions. We feel that because the Senate has an ad hoc committee looking at how to design a better curriculum system, this is a very timely opportunity for us to address what the Board rules say and in particular what do we want the Board rules to say in the future? Several questions were discussed at today’s meeting. One of these is that for the last few years we’ve been functioning in essence following **Board Rule 11a** (the top left column of page 2 of the handout) We have been reviewing proposals in essence like a university-wide review committee, and bringing proposals to the Senate through our committee reports monthly for your approval. If you read farther down in the rules there’s a different process that used to be followed where the Curriculum Review Committee did not review proposals unless formal objections were filed. The Faculty Senate Executive Committee is actually charged in a later rule to review all proposals and then to submit them to the Provost for approval and to report to the Senate that they were approved. There are different ways to read the rules to get to the same end goal of approved proposals. The questions are should the Curriculum Review Committee in the future be a university level review committee or not? Should there then be a separate appeals committee? Currently, if formal objections are filed, the Curriculum Review Committee is charged with trying to resolve the conflict and in the worst case scenario we have to hold formal hearings. Is there actually a mechanism through which the same body, the Curriculum Review committee for example, should serve this dual purpose? Our committee is asking the Senate as a whole and the ad hoc committee to consider these questions. We want to make sure that whatever we implement in the future works well. At the present time we have an inefficient system and the way our committee functions may actually slow the process down. We are not sure this adds value.

Chair Sterns: Your question is whether or not this role of clarification could be taken up by the committee?

Associate Provost Ramsier: Yes. We bring that question as a motion to allow us to function as we have been until the rules have been clarified, because they can be interpreted in different ways.

Senator Rich: So if I understand correctly you’re asking for the Senate to authorize you to continue to act in a way that is inconsistent with part of the rules until you clarify it and also propose clarifications?

Associate Provost Ramsier: I would argue that we do operate consistent with one part of the rule, which provides for us to review curriculum and course recommendations of the colleges and divisions and when necessary submit them to the Senate for action. We’ve been operating under the assumption that when we review proposals, we then bring them to the Senate for action. We have acted on the belief that it’s necessary for the Curriculum Review Committee to review proposals. Later in a different part of the rule there’s a completely different mechanism for that.

Senator Rich: It’s a general principle of interpreting rules and statutes that you try to read them so that they are consistent with each other. In this case, that is not very difficult to do. The more specific requirement is



the one that says that the committee considers these proposals if there's been objection made, and if there hasn't been objection made then it goes to the Faculty Senate Executive Committee. I don't think it's particularly difficult to read this rule so that it doesn't conflict with itself.

Associate Provost Ramsier: What I would ask is that we make sure that the Faculty Senate Executive Committee is actually reviewing all the proposals and presenting them to the Senate rather than our committee. Either way is fine with me, as long as we know what is being expected of us. We have a committee of about 20 people and the Executive Committee has how many?

Chair Sterns: Six. Seven with the Chair.

Senator Hajjafar: I was one of the members who didn't vote for this resolution. The reason I did not is because this is a process that many people, almost every member of the faculty of the university has had an opportunity to look at. A proposal that is initiated in a college goes to a committee in that college for approval. After the college committee has approved the proposal it goes to Dean. When the office of the Dean approves the proposal it is sent for the university review. At this point the Graduate School, Library and many other groups have an opportunity to look at the proposal. Every chair in the university, every associate chair, every dean in the university has an opportunity to raise objections to the proposal. This is done carefully and it goes through the process so that when it passes and there is an objection, it goes to the CRC. The CRC together with administration who chairs that committee then tries to resolve the conflict between the person who has objected and the proposer of the course. There are so many channels, everybody in the university has an opportunity to raise objections. If objections have not been raised, then I don't see any reason for another university wide committee to look at it. Decisions that are made at the college level comes to university wide review committee so that other colleges can see what's happening. In this case, and throughout the whole process, everybody has an opportunity to raise objections and if there are no objections, why should CRC look at that proposal? Why should the Executive Committee have to look at it? This is a faculty process and they should do their job. If they are not doing their job, then so be it. The CRC can not be the police and the judge and everything. I think this process has been given enough chance to be looked at, and that's why I believe there is nothing wrong with Board rule. If we read it the way it should be read, there's nothing wrong with it and we can act to resolve any objections.

Senator Mancke: I duly acknowledge Senator Hajjafar's comments, however I think there was considerable sentiment in the Curriculum Review Committee that there is a need for a university wide review committee. Part of the concern is that once a proposal goes out of a college council, which is what happens in the Buchtel College Council, it then is basically looked at by administrators. It does not go back for any kind of faculty review across the university so that we can see what the patterns or overlaps are among the colleges. There was considerable sentiment though not unanimity on the committee that there was need for a university wide committee, but that the rules need to be created for how that committee should function.

Chair Sterns: I might point out as Chair of the ad hoc committee on software review that as part of the review we have also be fully examining the process. The review of the process has led to an understanding of issues of sequencing and correct order. Even though these rules are in place, a set of inconsistencies have been uncovered in terms of how we've been doing business.

Senator Erickson: I am a little confused about the recommendation to the Faculty Senate. What are we supposed to be voting on? Are there issues relating to review outside the college? Is that not part of the role of this ad hoc committee to look at? Are you asking that the Curriculum Review Committee look at what it should be and what are the issues and what are the problems? I remember when this particular second set of rules went through Faculty Senate. As I remember it, this was a way for the Curriculum Review Committee to say they just had too much to do and could it be turned into something that the EC did. I was part of a movement at that point led by Helen Qammar, who was a senator at the time but is now head of ITL. She and I said at the time that we needed to look at the whole process of curriculum review. The question then is who should look at it. Should it be Curriculum Review Committee or should it be the ad hoc committee Chairman Sterns is chairing. It was not clear to me from your motion if you think it should be the CRC that looks at it?

Senator Lillie: This is an important and ongoing topic that I think could consume a lot of time in trying to figure out exactly what it is that we're talking about, which set of rules to use and so on and so forth. I understood from the Chair that he had or rather the committee had a motion that they wanted to put before this body and I'm not clear on what that motion is. It seems to me we ought to know what it is and then maybe debate that motion rather than to continue with what is a very interesting, but in the end not necessarily helpful kind of discussion.

Senator Mancke: I believe that at the last Senate meeting there was a question raised about the function of this committee and the Senate charged the committee to look at the rules and look at what the issues are. The committee looked at the rules and found there is some ambiguity in the system. The committee is bringing the report back which Rex Ramsier has presented to us. The report recommends that for the time being, the committee continue to function as it has been functioning for the last two years. That is the first part of the motion of the committee. The second part of the motion of the committee is that there be a charge for the rules to be reviewed. How do you keep the committee functioning and how do we rectify the problem? What was brought forward today was what the Senate charged us to do. We cannot in the time that we had make new rules without the Senate's approval, so it is back in the Senate's court. We're asking that we be allowed to continue to review curriculum proposals and that either the Curriculum Review Committee be charged to clarify the rules so that there are not the internal inconsistencies or that someone else related to the Senate take up that charge. That is the motion that was charged to us from last Senate meeting.

Senator Lillie: I hear what sounds like an explanation of the motion and it looks to me like what it says on the bottom of the report is that the motion is that the CRC continue "as is" and that Faculty Senate charge CRC with rule clarification. Is that the motion that is being made by your committee?

Associate Provost Ramsier: Yes. It's part of the report.

Senator Lillie: Well I want to make sure that we're clear what it is, because there are some other kinds of discussions going on here that might tend to confuse the issue if we're not careful.

Associate Provost Ramsier: The discussion was intended to clarify where this motion came from with supporting documentation.

Chair Sterns: Senator Rich brought up the point that we have existing rules. At this point in time those are to be followed. We know that there has been a deviation from those rules for a period of time. We need to make a formal revision to create an approval process that is in more line with practice. Senator Hajjafar was saying we use this existing approach and follow it as it exists. So the questions you'll have to decide as a Senate is whether you want this committee to clarify and provide us with a new policy. Would that be a reasonable interpretation?

Senator Hajjafar: One other issue is that if we vote here to continue to do this, we will be approving something that is against the Board rule. Is the Senate in the position to approve something that negates the Board rule? I think that the correct way is to amend the Board's rule and then do what we are doing. The Senate is not in a position to change the Board's rule.

Chair Sterns: I'm sure that that is the case.

Senator Rich: I think Senator Hajjafar's interpretation of this rule is correct and of course I also agree that it would be wrong for the Senate to formally approve the committee's deviation from the procedures spelled out in the rule. It does sound to me like it may well be worth considering changing this rule. I don't think that the Curriculum Review Committee needs any special charge from the Senate to do this. It is certainly well within their jurisdiction to propose to the Senate that the rules that govern their procedures be changed. For these reasons I intend to vote against the motion.

Senator Licate: I'm a member of the faculty from the Criminal Justice Technology program. It is absolutely vital that the Curriculum Review Committee get about their business. I'll tell a story that's relative to my department but I think it speaks to the greater issue here. We've had curriculum proposals up before the committee from May that were the product of year-long discussions with multiple law enforcement agencies to produce a variety of forensic study certificates that are desperately needed in the field. In addition, I was interviewed by the television media to talk about high technology crime. This generated no less than 50 responses by phone and e-mail. It took up half of my summer responding to students interested in transferring from other universities. These would be new students to participate in these programs. So what we have here is some very relevant business to take care of. We have curricula that's highly in demand, needed in the field, reflects well on the university and in this case assists in protecting children. The subject is computer forensics and most victims are children through child pornography and things of that nature. It is absolutely vital that this is resolved. I'm not trying to cast dispersion on the Associate Provost, but we have to think about what we're doing here. We have agency communities waiting for these programs. We have students waiting for these programs. To have something waiting since May, I find that unacceptable quite frankly. So I am in favor of anything that will speed this process along. I rise in opposition to the Curriculum Review Committee having this power. I think if there was some confrontation at the university level all of our proposals went through, no one opposed the proposals. So we have a group of 20, a committee effectively blocking this progress. This is my perspective. Thank you.

Associate Provost Ramsier: Just two points of clarification. The majority of the committee believes we are functioning under **Board Rule 11a**, reviewing curriculum proposals and bringing them to the Senate. The second clarification is that if we ignore that interpretation and follow the rest of the rule, the Faculty

Senate Executive committee is then charged with being the body that reviews all proposals and approves or disapproves all of them. So there's still a mechanism through which a group of people at the university level is going to do that work.

Chair Sterns: Mr. Mallo, would it be appropriate to ask for your advice since we have this contradiction?

Mr. Mallo: It would not be inappropriate Chairman, but I've not even reviewed that rule. I would be happy to take a look at it and provide you my response.

Chair Sterns: I don't mean to catch you off guard, I just thought that you might be able to help us with this dilemma.

Senator Hajjafar: In response to the comments that the Associate Provost made, **Board Rule 11-a** is the introduction of the CRC which very briefly explains the charge of the CRC. Later on it breaks down into pieces and clearly it defines what is that 'necessary'. So that is not a part that can determine the rule of CRC. I believe that is an introduction of the CRC and then it is broken into pieces that explain explicitly what the rule is.

Since there were no further comments or questions, the Chair called for a vote.

**The motion was defeated** with one vote in favor.

The Chair then noted that in the spirit of the discussion, it would be appropriate for the Curriculum Review Committee to provide a list of suggested changes to reconcile this set of rule discrepancies.

### **Athletics Committee**

The Chair next called for the report of the Athletics Committee. Senator Lillie, the chair of that committee made an oral report in addition to the written report that had been provided. (appendix D) Senator Lillie reported that the committee had had a very positive meeting with Mr. Tom Wistercill, the new Athletic Director. Senator Lillie went on to say that he believes Mr. Wistercill will be interested in continuing the initiatives of the previous AD to strengthen and support academics within the Athletic Department..

### **University Council Exploratory (ad hoc) Committee**

The Chair again invited Associate Provost Rex Ramsier to speak as the chair of the University Council Exploratory Committee. The report and discussion follows below.

Associate Provost Ramsier: We have no formal report. I can report that of the eight constituency groups, six have ratified the September 24<sup>th</sup> bylaws. Two groups have not yet ratified the bylaws, the Associated Student Government and the Vice Presidents. We will call a meeting of the committee next week to look at the reasons why they did not ratify the bylaws as they stand. As soon as we've had a chance to meet as a committee and discuss those issues we will bring the report back to the Senate.

Chair Sterns: Any questions for Associate Provost Ramsier?

Senator Rich: Is it that those two bodies simply haven't reached a decision yet or that they have decided that something else is required in order for them to ratify?

Associate Provost Ramsier: I would ask the Associated Student Government representative to speak on their own behalf.

Senator Ziegler: ASG took a look at the document and decided not to ratify due to lack of representation.

Chair Sterns: Could you clarify what that point is about?

Associate Provost Ramsier: I believe that it means that Associated Student Government doesn't feel that they have enough seats on the 22 member council.

Chair Sterns. It was proposed that there would be two student representatives from Student Government and two students from Graduate Council totaling four students which would be comparable to the other groups. Is ASG suggesting that there would be four undergraduates and four graduates for a total of eight students? Is that right?

Senator Ziegler: ASG is requesting four undergraduates.

Associate Provost Ramsier: The committee hasn't had a chance to meet yet to talk about that issue.

Senator Lillie: If the committee is to meet to reconsider the issue of representation, that could potentially open up that entire issue. It might be an opportunity for the Faculty Senate to also reconsider the proportion of seats that it might want. Would that not be a possible fallout of meeting and reconsidering this particular aspect of the proposal?

Associate Provost Ramsier: I am not a parliamentarian, but as far as I know, the Faculty Senate ratified the document as it stands.

Chair Sterns: For the document to go into effect all the constituency groups will have to approve it. We are not going to solve that today. Do we have any insights into the objections of the Vice Presidents?

Senator Lillie: I'm sorry, I didn't get a response to my question. Would that not then be the opportunity to reopen that whole area. Is that not a possibility under the circumstances?

Associate Provost Ramsier: If it's possible, then certainly we will do that. Like I said, I'm not a parliamentarian. I don't know whether or not we can open that discussion for everyone. I personally think we should. If the students want to talk about it, then I think anyone can talk about it. We will have to deal with that as a committee.

### **Student Judicial Policy (ad hoc) Committee**

The Chair then invited Senator Frank Bove to report for the Student Judicial Policy Committee. Senator Bove gave the following Report.

“You may recall that last March we, the Faculty Senate, approved the revised Code of Student Conduct. The revisions were a direct result from the Charles Plimpton tragedy. After we passed that revision, the

Board of Trustees Rules Committee took a look at it and had some questions and concerns. These concerns caused the ad hoc committee, along with the Office of Student Affairs to go back and try to work out those issues. The final result of this is that there have been some changes to the Code of Student Conduct. There is a written report.(appendix A) With your permission I'd like to submit that here. Some of the differences between the document that we approved last March and this standing one is that it was reorganized a bit so that the language would be easier for the student to understand. The roles of the judicial affairs personnel throughout the process are more clearly delineated. Hearings before hearing boards are run by a hearing officer from SJA who rule on procedural matters only and take no part in the deliberations or the hearing. The Vice President for Student Affairs has more discretion to extend deadlines in the investigations. The Vice President for Student Affairs rather than the President will determine immediate suspensions pending outcomes of hearings and a provision was also added based on principles of restorative justice. The goals are to enable the student to make amends to those to whom he or she has harmed and to help the student become a more responsible member of the university community. As you recall, last spring there was one point of general disagreement between the administration and the ad hoc committee, and that concerned the burden of proof regarding sanctions that would result in suspensions, dismissals or possible revocations of degrees. The administration prefers that a 'preponderance of the evidence' is the burden of proof for all sanctioning, including those cases that would result in suspensions or dismissals or the revoking of a degree. The committee feels that a higher burden of proof is necessary and we have language that specifies 'clear and convincing evidence' in those specific cases. So we distributed through the list serve the actual revision of the Code of Student Conduct and the committee respectfully asks this body to approve the revisions of the Code of Student Conduct."

Questions and comments followed.

Senator Rich: As a member of the ad hoc committee, first of all I'd like to say that this was a very collaborative effort between the Office of the Vice President for Student Affairs and the Faculty Senate committee and I think a successful one. I hope that it will serve as a model for other such undertakings. The Code of Student Conduct that we are bringing back to you represents an improved document over what we approved last spring. Senator Bove has outlined the changes there and I'm sure both of us and Senator Lillie, who is also on the committee would be happy to respond to any questions about the changes. As Senator Bove indicated there is one continuing point of disagreement, that's about the burden of proof. Last spring the Faculty Senate on the recommendation of the ad hoc committee approved a provision that would require 'clear and convincing evidence' in order for a student to suffer the most severe sanctions. We made the recommendation as you'll recall if you were in the body at the time because we felt that suspending or dismissing a student or we would add now revoking a degree that had already been granted is something that should not be done when the evidence of a violation is so close that we don't have a lot of assurance that the person actually committed a violation. That could well happen with the 'preponderance of evidence' standard. It would not happen by definition under the 'clear and convincing evidence' standard. That is our rationale. We continue to believe as we believed last spring, that such consequential decisions should not be made on the basis of evidence of a violation just slightly outweighing the evidence to the contrary.

Senator Bagatto: I agree with the more severe cases. Would you state that the 'preponderance of the evidence' would be more likely than not?

Senator Rich: Yes I would.

At this point, with no further comments being made or questions asked, the Chair called for a vote. The Proposed Student Code of Conduct was **approved by unanimous vote**.

Following the vote the Chair thanked and congratulated the committee and Vice President Fey and his staff for their efforts.

### **Curriculum Software Review (ad hoc) Committee**

Senate Chair Harvey Sterns also serves as chair of the ad hoc Curriculum Software Review Committee. He reported to the Senate that he had received a communication from Vice President Sage concerning budget issues. A budget including both phases of the project will be presented to the Board for approval at their next meeting in December.

## **V. Unfinished Business**

### **Amendments to the By Laws**

The Chair called on Senator Rich to present bylaws amendments from the October meeting. Senator Rich made the following presentation.

“Thank you Mr. Chairman. The question was raised last year about whether full-time instructors and full-time college lecturers should be first of all counted for purposes of apportionment of senators among the colleges and included in the Faculty Senate elections. The second question is, should they be eligible to be elected to serve in this body. Last spring, I attempted to call a meeting of the Reference Committee. We didn’t quite get a quorum, but I moved, and it was duly seconded that some amendments to the Faculty Senate Bylaws be considered. I have one slight wording change to make, just to make it a better drafted document. The basic questions that are before us today are whether full-time instructors and full-time college lecturers should be part of the electorate and counted for purposes of the apportionment of senators to colleges and whether they should be eligible to serve in this body. It seems to me we should consider the questions in the order that I just stated them. If we were to decide that they should not be included in the electorate, it would presumably follow that they would also not be eligible to serve in this body. Accordingly, the motion which we are taking up first is in the Faculty Senate Bylaws, **H.4** which is **Electorate**. The changes that are needed there are in **H.4.a**, replacing the word **‘regular’** in the phrase **‘regular faculty’** with the term **‘full-time’**. It can then be read as **full-time faculty** instead of **regular faculty** in both instances in that first sentence in **H.4.a**.

In addition I’m moving that paragraph **H.1. Membership**, and then **Eligibility** be amended by adding at the end of that paragraph the following sentence; **‘for purposes of these bylaws the terms full-time faculty includes all full-time distinguished professors, professors, associate professors, assistant professors, instructors and college lecturers.’** This amendment would enfranchise full-time instructors and full-time college lecturers and count them for purposes of apportionment. It would be in order of course for someone to move to amend this by deleting college lecturers or to vote no would mean we don’t increase or expand the electorate to include full-time instructors and/or full-time lecturers.

Chair Sterns: Is there any discussion on the motion? I believe this is at least the second reading which is required for bylaws amendments?

Senator Rich: Third reading.

Senator Rich: I encourage people to discuss the merits of this proposal. I am serving in a technical capacity here. I'm not necessarily urging the body to adopt this. There is a kind of an anomaly here in which full-time instructors and the college lecturers currently are not represented except to the extent that they are faculty members in a college. They don't get to vote, but they are faculty members in a college. Representatives of that college may represent their interests here. Unlike part-time faculty members, who are elected from among the part-time faculty for the university as a whole, we don't have representatives of the full-time instructors and lecturers. This would increase the number of representatives in certain colleges. In an e-mail earlier this academic year I gave you the numbers by which the college representations would be raised. It would be in order for members of the body to discuss the desirability of this change.

Since there were no further comments or questions on this part of the motion the Chair ended the discussion and called for a vote. **The motion passed without opposition.**

Senator Rich: The second change would make full-time instructors and full-time college lecturers eligible to be elected to and serve in this body. Under section **H**, paragraph **1**, the first sentence under **Eligibility** states '**members of the Faculty Senate shall be elected from the members of the**'. At that point it currently says **regular faculty**. The amendment we just passed would make this say **full-time faculty** instead of regular faculty and we've already moved to define full-time faculty to include full-time instructors and college lecturers. That is the second amendment.

Chair Sterns: Is there any discussion on this amendment?

Senator Lillie: I wanted to ask Senator Rich if the electorate for electing people to membership in the Faculty Senate includes academic deans, department and division chairs, directors of schools, administrative officers holding regular faculty rank, even though they may not serve as members of the Senate. Is that correct?

Senator Rich: That is correct.

Since there were no further comments, questions or discussion, the Chair called for a vote.

**The motion passed** without opposition and it was noted that both motions had also passed by more than two-thirds of the senate as required for bylaws amendments.

### **The Referral to APC of the Summit College Retention and Student Success Issues**

The Chair then moved to the next item under Unfinished Business, the Referral to APC of the Summit College Retention and Student Success issue. This is an issue that had been brought to the attention of the Executive Committee. No one was prepared to speak to the issue so the Chair moved on to New Business.



## **VI. New Business**

### **Creation of a new Ad Hoc Committee on University Organization**

The Chair introduced the issue of the need to create a new ad hoc committee. He then asked Senator Elizabeth Erickson to introduce a motion on behalf of the Executive Committee. Senator Erickson presented the following motion:

**That the Faculty Senate create an ad hoc committee on organizational structure and organizational effectiveness composed of representatives of each college and appointed by the Executive Committee.**

In the discussion that followed, Senator Lazar asked if there would be representation from the University Libraries. The Chair confirmed that the libraries would be included.

There being no further discussion, the Chair called for a vote.

**The motion passed** without opposition.

### **Approval of the Degree Candidates**

The Chair reminded members of the senate that a list of degree candidates had been sent to all members through e-mail. An additional list was circulated among the senators at the meeting. He then called for a motion to approve the list. The motion was made by Senator Friberg and seconded by Senator Ziegler.

**The motion passed** without opposition.

### **Resolution Concerning DNA Testing**

The Chair invited Senator Rich to introduce a resolution on behalf of the Executive Committee. Senator Rich then presented the following resolution:

**Whereas, The University of Akron's Board of Trustees recently adopted regulation 3359-11-22, paragraph (B)(3) of which provides that, "at the discretion of the university of Akron, any applicant [for employment] may be asked to submit fingerprints or DNA sample for purpose of a federal criminal background check";**

**Whereas, This regulation was adopted without consulting the Faculty Senate;**

**Whereas, Regulation 3359-11-22(B)(3) is of doubtful legality insofar as it would allow prospective employees to be required to submit DNA samples;**

**Whereas, The exercise of complete, unstructured discretion authorized by regulation 3359-11-22(B)(3) invites abuse and risks legal liability;**

**Whereas, Regulation 3359-11-22(B)(3) is far broader than is warranted by the University's legitimate interest in providing a safe environment for its students, employees, and campus visitors;**

**Whereas, Regulation 3359-11-22(B)(3)'s authorization of DNA sampling is unneeded at this time because the Federal Bureau of Investigation does not use DNA to conduct routine background checks;**

**Whereas, Regulation 3359-11-22(B)(3) poses a serious threat to the personal privacy of University employees, not least because of the likelihood that DNA records submitted to the Federal Bureau of Investigation will remain its database ;**  
**Whereas regulation 3359-11-22(B)(3) threatens to impede the University's efforts to recruit well qualified employees; and**  
**Whereas the adoption of regulation 3359-11-22(B)(3) has brought and probably will continue to bring adverse publicity to the University, which impedes the University's efforts to communicate effectively the many positive developments at the University; therefore, be it Resolved, That the Faculty Senate respectfully request, and does hereby request, that the Board of Trustees reconsider its adoption of regulation 3359-11-22(B)(3).**

The motion to adopt the resolution was seconded by Senator Lillie. This was followed by the discussion below.

Senator Rich: Might I add that I have in my possession a copy of a letter to you Mr. Chairman from Vice President and General Counsel Ted Mallo, in which he indicates his intention to propose to the Board an amendment to this rule which I think would address our concerns and would be consistent with our request for the Board to reconsider this rule.

Senator Ziegler: I have a general question about the rule as to whether or not it applies to student employees as well?

Chair Sterns: Mr. AG Monaco, Vice President for Human Resources is with us today. Permission for him to speak and maybe answer that question.

Mr. Monaco: As presented to the Board of Trustees, the initial request did not include student workers. There are a lot reasons why. One of these being that with undergraduates we would not be privy to any information about incidences that had occurred prior to eighteen years of age.

Senator Mancke: I'm a little unclear why the university needs this extra line at all. Can someone please explain why this even, could change 'the candidate be required by law enforcement agencies'. It seems to me that the first sentence actually covers that. I'm a little unclear why the Board of Trustees or the university law office needs to put forward something that in fact may put the university in a problematic legal situation. So I don't see the need to amend that first sentence that's there already.

Chair Sterns: Other discussion?

Senator Mancke: Is there no answer for that?

Chair Sterns: Senator Rich would you like to rise to the occasion?

Senator Rich: The motion is to ask the Board to reconsider.

Senator Mancke: I have no problem with your motion,

Senator Rich: So are you speaking either in favor of or against this motion?

Senator Mancke: I'm in favor of the motion. I just was wondering if there was anyway to caution the Board of Trustees.

Senator Rich: I would not undertake to do so.

Chair Sterns: Are there any individuals in the room who would like to add to this discussion who have not yet chosen to speak? I know I've had some e-mail communications from others.

Senator Friberg: I have a question pertaining to another group of students, the Graduate Teaching and Research Assistants who are hired on a 9-month contract. Are they excluded also?

Mr. Monaco: Graduate Assistants are not employees under the designs of Human Resources, nor are regular student employees. Their continued employment is contingent on their matriculation. This is for what we would consider standard employees. That is, employees who are here solely for the sake of employment, not related to their academic status.

Senator Speers: If we want to do a federal background check on any prospective employees, then do they have to include a DNA or a fingerprint check, or is that the only way the federal government can do a background check?

Chair Sterns: The question that's being asked is can a federal background check be done without fingerprints or DNA?

Mr. Mallo: The essence of the change to the rule is to clarify that The University of Akron is not interested in conducting DNA testing. We are not interested in getting DNA samples. We don't want DNA samples. All we want is a criminal background check. However the attorney general's office or the FBI conducts their background checks is up to them. That is what this amendment is intended to address. It's my understanding the FBI does not use DNA as part of their routine criminal background checks. I would have to hypothesize the situation that would give rise to that. In the past, this university has been a cleared facility for defense contracts and other kinds of security contracts. We currently don't have such a clearance. If we were to have such a clearance, then we would have to have those individuals, as well as a management team responsible for those individuals, undergo extreme security clearance checks. What that would require under current the scenario I can't respond to. The point of this policy is that all we want is a criminal background check. However the FBI does it or however the attorney general's office does it is really up to them. If all they need is a social security number, that's fine. It's whatever they need to conduct the check.

Senator Friberg: I want to reemphasize Senator Mancke's question. Maybe you can answer it for us. What is the need for the sentence on the document indicated in blue? What's the need for that? I believe, like she does, it looks to me like it is included in that first sentence as being retained. (Senator Friberg was referring the letter from VP Mallo to Chair Sterns)

Mr. Mallo: The reason for that is based on my conversations with attorneys with the EEOC. I had a conference call with four attorneys, including the senior attorney from the EEOC in charge of Title II implementation of that section of the regulations that applies to employers. Based on my conversations with them, this is the language that I would advise the Board to include to make it clear that The University of Akron is not specifying what manner or way by which a criminal background search is conducted. We want to make it very clear it's up to the law enforcement agency.

Senator Ducharme: So as things stand now, when new candidates conclude the interview for jobs, should they not be told then that this is an equal opportunity employer and that as the rule now stands they might be asked for a DNA sample? Should they not be informed of that as a rule?

A G Monaco: A couple of quick points. The HR Department doesn't have any intention of asking for DNA samples. We haven't asked for any. We didn't intend to ask for any. There are a lot of reasons why, and I'm sure most of you folks will feel that way. There is one very practical reason for not doing this. Neither the technology not the budget exists to do this. I know we see on television CSI gets a DNA sample at 2:00 and by 3:30 they have someone in custody. It actually takes months and it takes thousands of dollars. It is simply not practical, even if it is something we wish to do. So as to whether or not we need to tell people we're going to take DNA samples and we're no longer an equal opportunity employer, all I can say is we have no intention of doing it. We haven't done it. The use of public record searches and when necessary through law enforcement, the use of fingerprinting, will more than satisfy the needs that most background checks have.

Senator Rich: The main reasons for requiring either a fingerprint or potentially DNA in a background check would be first of all to determine whether someone is concealing his true identity to avoid the successful background check. In theory, but I think this is very unlikely, they might be linked to some unsolved crime from which there were fingerprints or DNA sample already obtained. I don't think that's what this is about. I think the main concern as far as background checks is concerned is the possibility that someone could be misrepresenting who they are in order to conceal a criminal history.

Senator Lazar: I have two questions. My first question is has the language has been changed or not. My other question would be, is there a need to specify what would trigger a criminal background check. Would this be a blanket policy? Would only certain positions such as these high level positions trigger that. Is there language somewhere in the rules saying that there are cases where that will be triggered? Is this a discretionary situation?

Mr. Mallo: The way the rule is constructed, the criminal background check would be required of the successful candidate for the position. The successful candidate for the position, at the time of being informed of the successful candidacy would actually have to agree to the criminal background search. For purposes of conducting the search in the state of Ohio, if the person has been a resident of the state of Ohio for more than 5 years, most likely the only search that would occur would be an Ohio criminal background search. However if the person has been state to state and been employed in the state of Ohio for less than 5 years, we would probably request a federal background check. We don't have access to other state's databases. The federal database or the federal background check generally would be required of those

candidates who have been offered a job, and have been in other states recently. I'm not sure I've answered your first question about the breadth of the rule. I think if you read the entire rule, which you've got in front of you, that it would be made a little clearer.

Chair Sterns: This is just a personal observation. The background checks have become very much a part of the employment of people who serve any vulnerable population, for instance every nurses assistant, everyone who works with children, everyone who works in any capacity where there is a possible criminal past that would reflect on their role. It is not like background checks are not pervasive for the safety of many vulnerable populations. Those kind of checks go on regularly.

Senator Rich: In answer to Senator Lazar's first question, this change has not been made. There is still a need for the Board to reconsider this. My understanding is that the General Counsel is in agreement for the Board to reconsider this. So I think the motion is still very much needed. On the second question, what this new language would do, it's clear that it's not limited to the FBI checks. Anyone who is being background checked, could be under this proposed rule, which hasn't been adopted and for all we know may be changed before it gets adopted, could be required to submit additional information. That additional information could include a fingerprint or DNA or any number of other things but that would be a requirement imposed by the law enforcement agency in order for them to complete the background check.

Senator Lazar: Just for clarification, we are in the position of initiating the background check. At that point we would comply with federal background check procedures. As of now, applying for employment could trigger a background check. The background check is based on the fact of application, not the job to be performed.

Chair Sterns: What was said and what I believe to be the usual procedure is first for the position to be offered and then they have to do a background check.

Senator Rich: In order to clarify this let me say that under the rule as it exists now, every new employee will be subject to a background check. As General Counsel Mallo indicated, after the decision has been made to hire someone, but before they're actually hired, there would be a background check conducted. What will vary is whether it's a state or a federal background check. Under this rule, if no legal requirement is concerned, it will just be a state background check. This would change if they haven't lived in the state for more than five years. In that case it would be a federal background check. If the law requires they may be subjected to both a federal and a state background check.

At this point the Chair ended discussion of the issue after finding no further comments or question from the members of the senate. He reminded the senators that the letter from VP Mallo suggests the actions he intends to take, but his actions are not linked to the motion before the senate. A vote was taken.

**The motion to adopt the resolution passed** without opposition.

**VI. Good of the Order**

Nothing was raised.

**VII. Adjournment:**

The Chair asked for a motion to adjourn, which was made and seconded. The body then voted its approval, and the meeting ended at 4:37 pm.

*Verbatim transcript prepared by Heather Loughney*

Transcript edited by Robert Huff,  
Secretary of the Senate

**APPENDICES TO MINUTES**

**FACULTY SENATE MEETING OF NOVEMBER 5, 2009**

## APPENDIX A

### Report of the Ad Hoc Committee on Student Judicial Policy

November 5, 2009

Last Spring, the Faculty Senate approved a revised (and re-named) Code of Student Conduct (CSC). These revisions resulted from a review of the existing rules of student conduct in the wake of the Charles Plinton tragedy. The Board of Trustees' Rules Committee subsequently raised some questions and concerns about the CSC. Further revisions were made by the office of Vice President for Student Affairs and the Faculty Senate's Ad Hoc Committee on Student Judicial Policy, working collaboratively with each other. These changes were, in large part, designed to address the Rules Committee's questions and concerns. **The Ad Hoc Committee on Student Judicial Policy recommends that the Faculty Senate approve the revised CSC**

Below is a list of the significant differences between the version of the CSC approved last Spring and the current one:

- The CSC has been reorganized and some of its language has been altered so that it should be easier for students to understand it.
- The roles of Student Judicial Affairs personnel are more clearly delineated.
- Hearings before hearing boards are to be run by a hearing officer from the Student Judicial Affairs Office, who will rule on all procedural matters but take no part in the deliberations of the hearing board.
- The Vice President for Student Affairs has somewhat more discretion to extend deadlines for investigations.
- The Vice President for Student Affairs, rather than the President, determines when a student should be suspended immediately pending the outcome of a hearing because he or she poses a direct threat to himself or herself or to others.
- A provision has been added to the section on sanctions to explicitly allow for the use of mediation based on the principles of restorative justice, the goals of which are to enable the student to make amends to those whom he or she has harmed and to help the student become a more responsible member of the University community.

As was true last Spring, there is one significant point of disagreement between the University Administration and the Ad Hoc Committee on Student Judicial Policy. The Committee believes that no student should be suspended, dismissed, or have his or her degree revoked unless the violations alleged are found by clear and convincing evidence. The Administration prefers that the preponderance-of-the-evidence standard apply in all instances. The version of the CSC that the Committee recommends to the Senate requires clear and convincing evidence for suspensions, dismissals, and revocation of degrees.

Respectfully submitted,  
Frank J. Bove, Chair



## **APPENDIX B**

Whereas, The University of Akron's Board of Trustees recently adopted regulation 3359-11-22, paragraph (B)(3) of which provides that, "at the discretion of the university of Akron, any applicant [for employment] may be asked to submit fingerprints or DNA sample for purpose of a federal criminal background check";

Whereas, This regulation was adopted without consulting the Faculty Senate;

Whereas, Regulation 3359-11-22(B)(3) is of doubtful legality insofar as it would allow prospective employees to be required to submit DNA samples;

Whereas, The exercise of complete, unstructured discretion authorized by regulation 3359-11-22(B)(3) invites abuse and risks legal liability;

Whereas, Regulation 3359-11-22(B)(3) is far broader than is warranted by the University's legitimate interest in providing a safe environment for its students, employees, and campus visitors;

Whereas, Regulation 3359-11-22(B)(3)'s authorization of DNA sampling is unneeded at this time because the Federal Bureau of Investigation does not use DNA to conduct routine background checks;

Whereas, Regulation 3359-11-22(B)(3) poses a serious threat to the personal privacy of University employees, not least because of the likelihood that DNA records submitted to the Federal Bureau of Investigation will remain its database ;

Whereas regulation 3359-11-22(B)(3) threatens to impede the University's efforts to recruit well qualified employees; and

Whereas the adoption of regulation 3359-11-22(B)(3) has brought and probably will continue to bring adverse publicity to the University, which impedes the University's efforts to communicate effectively the many positive developments at the University; therefore, be it

*Resolved*, That the Faculty Senate respectfully request, and does hereby request, that the Board of Trustees reconsider its adoption of regulation 3359-11-22(B)(3).

## **APPENDIX C**

Report of the  
Athletic Committee  
to  
The Faculty Senate  
The University of Akron, November 5, 2009

The Committee met on October 22, 2009 to consider three items, as follows:

1. The status of the Student Athlete Code of Conduct,
2. Introduction and general discussion with Tom Wistracill, the new Director of Athletics
3. Presentation of the Coalition on Intercollegiate Athletics survey and its possible use by the Committee.

Chair Lillie brought the Committee up to date on the Student Athlete Code by reporting that the main Code of Student Conduct is in the process of finalization and should be reported to the Faculty Senate (and later the Trustees) this semester. Since the Student Athlete Code of Conduct (which is in effect via a BOT special rule) is linked with some elements of the existing Code of Student Conduct via rule references, the Senate has deferred consideration of that code until the main Code of Student Conduct is in place. Any changes are intended to be technical in nature, but the final version will be reviewed by the appropriate bodies.

Tom Wistracill, the new Director of Athletics was invited to speak about his view of athletics at the University of Akron; he did so and assured the Committee that the Department of Athletics shares the desire for academics to be at the heart of the student-athlete experience. He asked us for our input and informed us (through Kevin Klotz) of the current status of the Academic Performance Rate at UA (925 or above for all sports; all sports are above the NCAA minimum). A productive and interesting discussion was had, including several ways suggested for improving communication with the faculty and means to involve the faculty more with athletics.

Chair Lillie also distributed a copy of a survey that had been sent to (apparently) all Football Bowl Subdivision colleges and universities this past summer, as part of the effort of the Coalition on Intercollegiate Athletics (COIA) to review faculty roles in the oversight of intercollegiate athletics and to provide feedback on elements that they feel are appropriate and important. The Committee agreed that the survey will be used to help us understand aspects of academics that the Athletic Committee can profitably review and discuss with the Department of Athletics. We hope to use it to educate ourselves and others in how the process of monitoring Athletic Integration into Academics is proceeding via the COIA survey. While the Committee might wish, in the future, to consider whether or not to recommend that our Faculty Senate join COIA, there is at present no move in that direction. Respectfully submitted,

Timothy Lillie, Chair  
Athletic Committee

## **APPENDIX D**

Curriculum Review Committee (CRC)  
October 8, 2009

Members in Attendance: Julia Beckett, Richard Elliott, Zarreen Farooqi, Ali Hajjafar, Deb Hayes, Mike Jalbert, Sharalyn Laster, Elizabeth Mancke, Hilary Nunn, Rex Ramsier, and Michele Thornton.

Board Rules and Faculty Senate Bylaws: CRC reviewed the Faculty Senate bylaws (3359-10-02) and Board of Trustees (BOT) rule (3359-20-05.2) concerning the curriculum process. CRC has identified inconsistent linkages between both rules. Both rules were discussed in detail (see attached). A motion was made and seconded that a recommendation be made to the Faculty Senate that CRC continue “as is” and that Faculty Senate charge CRC with guideline clarification. The question was called with a vote of 8 yes; 2 no to call the question and a vote of 8 yes and 2 no to approve the motion.

Respectfully submitted,  
Karen Greene

CRC discussion for Board of Trustee Rule and Faculty Senate bylaws.

| Faculty Senate bylaws (3359-10-02) state the following:   | Comment/Observation   |
|---|---|
| (11) Curriculum review committee.   |   |
| <p>a) Reviews curricula and course recommendations of the several colleges and divisions and, when necessary, submits them to faculty senate for action.</p>  | <p>CRC currently</p> <ul style="list-style-type: none"> <li>• reviews curriculum proposals</li> <li>• submits to Faculty Senate for action via committee reports</li> </ul> |
|   |   |
| Board of Trustees rule 3359-20-05.2 states the following (excerpt relevant sections for discussion purposes only):  | Comment/Observation   |
| <p>(6) A college-approved proposal shall then be released by authorized personnel of the college for university-wide review and approval. The proposal shall be available on the university web server for a period of two calendar weeks from the date of release.</p>   | <p>Currently handled by electronic system.</p>  |
| <p>(a) Various institutional reviews and approvals may be required and shall be given before the proposal can be submitted for university-wide review. The reviewing bodies may include but are not limited to library, graduate school, institutional research, distributed learning review committee, and the curriculum review committee (“CRC”). Details of these review procedures shall be available in each academic unit.</p> | <p>The electronic system currently does not alert all members of CRC before approved for university wide review.</p>  |
| <p>(b) If institutional review cannot be completed within the two-calendar week period, the originating unit and the office of the senior vice president and provost shall be notified indicating reasons for the delay and the approximate completion date.</p>  | <p>Currently not occurring within the electronic system.</p> <p>Two week calendar review is not always possible due to timing and reviewing body meetings.</p>              |
| <p>(c) When all approvals are obtained, the proposal shall be released for university-wide review. The proposal shall be available on the university web server for a period of two calendar weeks from the date of release. Proposals released for</p>   | <p>No place within the system for CRC to approve.</p>   |

|   |   |
|---|---|
| <p>university-wide review shall be posted in a weekly curriculum digest.</p>  | <p>No such digest in place within the system.</p>   |
| <p>(d) Reviewing bodies or any faculty member wishing to make an objection or to comment on a proposal shall do so within the web environment. The system will email the objection or comment to the office of the senior vice president and provost, to the “CRC,” and to the initiating college for response.</p>   | <p>CRC has been reviewing proposals and asking for responses without formal objection.</p>  |
| <p>(7) Following the two calendar week period for university-wide review, the following options are available for the disposition of the proposal:</p>  |   |
| <p>(a) If no objections are received, the proposal shall be forwarded to the executive committee of faculty senate for approval at the next scheduled meeting.</p> <p>(i) If the executive committee approves the proposal, it shall be immediately forwarded to the senior vice president and provost.</p> <p>(ii) If the executive committee rejects the proposal, it shall be brought before the faculty senate at the next scheduled meeting. The reasons for the rejection shall be conveyed to the originating unit, to the “CRC”, and to the faculty senate.</p> <p>The executive committee shall inform the faculty senate of all approved proposals at the next scheduled meeting.</p> | <p>What next meeting- the next meeting of the Faculty Senate Executive Committee or the Faculty Senate?</p> <p>Faculty Senate Executive Committee would look at all proposals and the approved go to Provost before Faculty Senate meeting? Currently not part of the process.</p> <p>This is currently not how proposals arrive at Faculty Senate.</p> |
| <p>(c) The senior vice president and provost or his/her designee shall approve or reject the proposals within one calendar week of receipt.</p> <p>(i) The senior vice president and provost shall forward approved proposals requiring board of trustees approval to the board of trustees for consideration at its next meeting.</p>  | <p>Is one week enough time?</p> <p>Currently not part of the process.</p>   |

|   |  |
|---|--|
| <p>(ii) If the proposal is not approved by the senior vice president and provost, the reasons for the rejection shall be conveyed to the originating unit and to the faculty senate.</p> <p>When a proposal has been approved by the board of trustees or its designee, the proposal shall be filed with the <b>secretary of state</b>.</p> | <p>Proposals are not filed with the secretary of state. As appropriate, the senior vice president and provost shall forward necessary documentation to the Ohio Board of Regents and/or the Higher Learning Commission</p> |
|---|--|

CRC options appears to be 1) obtain rules clarification, 2) request a declaration of delegation by the Faculty Senate Executive Committee to act as is for the time being, and 3) submit a change to the rules committee for a BOT rule change.

Currently CRC is serving as a university-wide reviewing body to look for inconsistencies and quality assurance among proposals as this is important for the university as a whole. This committee has a valid purpose and faculty often abdicate tasks to non-academics.

Associate deans and department chairs should be responsible for reviewing all proposals to check for inconsistencies and quality, as well as for any impact other proposals have on their respective colleges and departments. However, it does not appear all are doing this.

There are two parts to the curriculum proposal – the human part and the system part. At what point does the human element start pushing back?

Faculty Senate does not have the authority to make BOT rule changes. Senate bylaws are part of Board rule. BOT is dependent upon various committees and units within the university that use these rules to bring forward changes that are operationally efficient. CRC has acknowledged inconsistent wording within the rules.